

June 12, 2012

**VIA EMAIL: [schijins@toronto.ca](mailto:schijins@toronto.ca)**

Stephen Schijins, P. Eng  
Manager, Infrastructure Planning  
City Hall, 22<sup>nd</sup> Floor East  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mr. Schijins:

Thank you for your letter of June 8, 2012.

You can appreciate given the timelines for requesting a Ministerial review that Cycle Toronto was not able to respond to your letter in detail prior to filing its request with the Minister.

Cycle Toronto is not satisfied with the City's response and in particular would make the following preliminary observations.

#### **Metrolinx Comments of February 29, 2012**

In your letter you say, *inter alia*:

The letter from Metrolinx of February 29, 2012 was the first time that specific concerns about cycling were raised by Metrolinx / GO. The City had not had direct correspondence from Leslie Woo of Metrolinx to that point. We do not know the degree to which Ms. Woo's comments reflect input from the Metrolinx / GO staff who had participated in the study.

We are confused by this statement and are perplexed why it appears that the City of Toronto may doubt whether the comments authored from Ms. Woo – the Vice President of Policy, Planning and Innovation at Metrolinx, the regional policy-making transit body – reflect the views of Metrolinx.

To assist the City in resolving its apparent confusion concerning the Metrolinx comments of February 29 and Ms. Woo's role in providing input, I forwarded a copy of your letter of June 8 to Metrolinx and Ms. Woo for her advice. Likewise I am copying Metrolinx and Ms. Woo on this letter.

It is Cycle Toronto's belief that the members of Toronto City Council were unaware of the Metrolinx comments of February 29 when they made their decision on March 5, 2012.

Standard Life Centre, Suite 510, 121 King St. W., P.O. Box 105, Toronto, ON M5H 3T9

T: 416 601 1800  
F: 416 601 1818

### **BIXI Involvement in the Consultation Process**

BIXI is not an independent stakeholder in Cycle Toronto's submission given its business relationship with the City of Toronto. Prior to the reconstruction of the plaza and subway tunnel, the BIXI station was located south of Front Street between Bay Street and York Street (the location sought by Cycle Toronto).

Cycle Toronto assumes that BIXI, with the advice of City officials, picked this original location- not the inferior and invisible locations currently proposed to the east of Bay Street and the west of York Street.

### **The York Street Teamway Bicycle Parking Station**

This bicycle parking is not accessible on a ridden bicycle. To access it from the adjacent road network requires a cyclist to walk their bicycle a considerable distance.

In fact, York Street is an extremely dangerous high-speed street for cyclists to travel on. York Street and its northerly extension University Avenue do not have any existing or planned bicycle lanes that could be utilised to travel to and from the bicycle station.

Interestingly, and consistent with the City of Toronto's other decisions in relation to cycling infrastructure, a City of Toronto staff proposal for a trial period of separated bicycle lanes on University Avenue was turned down by City Council in 2010.

The fact remains that as a result of this Project, there will be far fewer short-term bicycle parking facilities at street level south of Front Street between Bay Street and York Street available to rail commuters and TTC patrons than under existing conditions.

### **Legal Authority of the Minister on Part II Review**

Cycle Toronto thanks you for your insights into the *Environmental Assessment Act*.

Its request for Ministerial review to the Minister relates to the whole of the Project including the failure to include designated or separated bicycle lanes, the deficiency of bicycle parking, poor location for BIXI stands and the amount of road made available to parked and loading taxis and private vehicles that could be accommodated elsewhere close by on the road network east of Bay Street and York Street.

Whatever the Minister's jurisdiction, the Courts require applicants to exhaust their remedies under statute before bringing an application for judicial review to the Divisional Court of the Superior Court of Justice.

Our client wants all of its options available to contest this proposal.

## The City's Official Plan and the Provincial Policy Statement

Cycle Toronto notes that you do not address the policies of the City of Toronto Official Plan referenced in my letter of May 30 nor do you address the policies of the Provincial Policy Statement.

Sections 3(5)-(6) and 24(1) of the *Planning Act* provide as follows

3. ... (5) A decision of the council of a municipality ....in respect of the exercise of any authority that affects a planning matter,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and

(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

(6) Comments, submissions or advice affecting a planning matter that are provided by the council of a municipality...

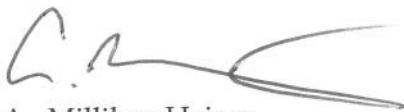
(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date the comments, submissions or advice are provided; ...

...

24. (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith.

We are hopeful the City can explain to the Minister in the context of the review how the City has complied with these sections of the *Planning Act* in respect of this Project.

Yours very truly,



A. Milliken Heisey

cc: Cycle Toronto  
Jason Diceman, Public Consultation Unit, City of Toronto ([jdicema@toronto.ca](mailto:jdicema@toronto.ca))  
Councillor Pam McConnell Ward 28 ([Councillor\\_mcconnell@toronto.ca](mailto:Councillor_mcconnell@toronto.ca))  
Councillor Adam Vaughan Ward 20 ([Councillor\\_vaughan@toronto.ca](mailto:Councillor_vaughan@toronto.ca))  
Public Works and infrastructure Committee City of Toronto ([pwic@toronto.ca](mailto:pwic@toronto.ca))  
Councillor Minnan-Wong, Chair PWIC ([Councillor\\_minnan-wong@toronto.ca](mailto:Councillor_minnan-wong@toronto.ca))  
Metrolinx  
Karen Stintz, Chair Toronto Transit Commission  
The Honourable Jim Bradley, Minister of the Environment  
([minister.moe@ontario.ca](mailto:minister.moe@ontario.ca))