



November 25, 2022

His Worship John Tory
Mayor
City of Toronto
City Hall, 2nd Floor
100 Queen Street West
Toronto, ON M5H 2N2

Via Email (mayor_tory@toronto.ca)

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Practising Lawyer
in Ontario"*

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Dear Mayor Tory:

Re: Actions of Metrolinx in Respect of Osgoode Hall

The Federation of Ontario Law Associations (FOLA) is the voice of Ontario's 46 county and district law associations. We are uniquely positioned to comment on issues impacting Ontario's justice system.

To that end, we have grave concerns about the actions of Metrolinx in respect of the proposed Ontario Line construction on the property of Osgoode Hall in Toronto. We set out these concerns in detail in a letter to Metrolinx, dated June 1, 2022, a copy of which was sent to your office (we have enclosed it with this letter, for your reference).

Since that time, numerous other community stakeholders (both inside and outside of the justice sector) have spoken out with serious concerns about this project and its impacts on the heritage building and grounds, the loss of greenspace, and the serious disruption to the important work of Ontario's courts.

Recently, we were shocked to learn that Metrolinx plans to begin removing trees from the Osgoode Hall property, beginning on December 5. This destructive action contradicts Metrolinx's prior commitment to the City of Toronto and the community at large that it would support the City's third-party independent review of its plans for the Osgoode Station construction.

It is FOLA's understanding that this third-party review is not yet completed. As such, Metrolinx's unilateral removal of trees undermines this process. It will have devastating and irreversible impacts on this important property that will take a lifetime to repair. Any works on the Osgoode property before the City receives and responds to the third-party review are premature, and in our view, disrespectful and heavy-handed.

FOLA encloses the November 20, 2022 letter from the Sir William Campbell Foundation to Metrolinx, which calls for Metrolinx to stand down until the third-party review is complete and to hold a community meeting to discuss the matter. We support these requests, but we also ask that your office take immediate steps to protect the Osgoode Hall buildings and grounds from this imminent, unilateral, and irreversible damage.

We note that FOLA has also recently learned that the Law Society of Ontario's current 10-year plan for maintenance and upkeep of the heritage building they occupy on the Osgoode property does not account for the disruption and structural impacts of the Osgoode Station construction. None of this appears to have been sufficiently addressed by Metrolinx. All indications are that the Law Society and other Osgoode Hall building occupants have numerous concerns which have been disregarded by Metrolinx.

It is entirely inappropriate for this project to proceed in this location at all, let alone by ambush and without appropriate process or respect for other governmental stakeholders and building users. The legal community is united in its concerns about this project's impact on the seat of our justice system, on the functioning of the courts, and on this important heritage property. We are calling on your office and the City of Toronto to take action to address these serious issues and Metrolinx's aggressive and reckless disregard for these issues.

We remain available to meet with you to discuss this matter and to provide any necessary support or assistance the City may require. I can be contacted directly at info@douglasjudson.ca.

Sincerely,



Douglas W. Judson (*he/him/his*)
Chair

Encl. Letter from FOLA to Metrolinx, dated June 1, 2022;
Letter from the Sir William Campbell Foundation to Metrolinx, dated November 20, 2022

- C. Erin O'Donovan, President, Toronto Lawyers' Association, *Via Email* (eodonovan@osc.gov.on.ca);
Jacqueline Horvat, Treasurer, Law Society of Ontario, *Via Email* (jhorvat@lso.ca);
The Sir William Campbell Foundation, *Via Email* (liz@campbellhousemuseum.ca);
The Honourable Caroline Mulroney, Minister of Transportation, *Via Email* (Caroline.Mulroney@pc.ola.org);
The Honourable Douglas Downey, Attorney General of Ontario, *Via Email* (Doug.Downey@pc.ola.org);

Chris Glover, MPP (Spadina—Fort York), *Via Email (cglover-co@ndp.on.ca);*

Kristyn Wong-Tam, MPP (Toronto Centre), *Via Email (KWong-Tam-QP@ndp.on.ca);*

Councillor Ausma Malik (Spadina—Fort York), City of Toronto, *Via Email (Councillor_Malik@toronto.ca);*

Councillor Chris Moise (Toronto Centre), City of Toronto, *Via Email (Councillor_Moise@toronto.ca);*

David Corbett, Deputy Attorney General, Ministry of the Attorney General, *Via Email (David.Corbett2@ontario.ca);*

The Honourable J. Michal Fairburn, Associate Chief Justice of Ontario, *Via Email (jacob.bakan@ontario.ca);*

The Honourable Geoffrey B. Morawetz, Chief Justice of the Superior Court of Justice, *Via Email (joshua.patlik@ontario.ca)*





June 1, 2022

Phil Verster
President & Chief Executive Officer
Metrolinx Inc.
97 Front Street West
Toronto, ON M5J 1E6

Via Email (CEO@metrolinx.com)

Dear Mr. Verster:

Re: Ontario Line Construction Impacts on Osgoode Hall and Ontario Courts

The Federation of Ontario Law Associations (FOLA) is the voice of Ontario's 46 county and district law associations, and through them, their members, who are on the front lines of legal services and the Ontario justice system.

We are writing you today to convey our serious concerns about the planned Metrolinx construction on the Osgoode Hall property in Toronto. These concerns arise from our discussions with a number of our member organizations and stakeholders in the justice system about this project.

It is our understanding that the planned Ontario Line construction is to include a redeveloped Osgoode Station, at the corner of Queen and University. Reports indicate that this project is expected to use the grounds of Osgoode Hall as a staging area for the construction period, and that this work will mire this historic property in construction for a decade or more. When completed, it is our understanding that the new construction will place a new structure over a portion of the Osgoode Hall grounds.

We have significant apprehensions about the disruption this project will cause to the users of Osgoode Hall, including the Court of Appeal for Ontario, the Superior Court of Justice, the Law Society of Ontario, and the Great Library. These institutions are central to the function of the Ontario court system and the legal profession itself. They serve critical public and governmental functions and their access and use is paramount to the work of our members and others. FOLA

FOLA Executive:

Douglas W. Judson, Chair
Sam Misheal, 1st Vice Chair, Family Law Chair, & Central West Rep.
Allen Wynperle, 2nd Vice Chair, Library Chair, & Central South Rep.
William Woodward, Past Chair
Jane Robertson, Treasurer
Corey Wall, Central East Region Representative
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Gordon Prisco, Northeast Region Representative
Karen Seeley, Northwest Region Representative
Jennifer S. Rooke, Southwest Region Representative
Anna Wong, Toronto Lawyers Assoc. Representative
Eldon Horner, Real Estate Co-Chair
Mark Giavedoni, Real Estate Co-Chair
Terry Brandon, Legal Aid Chair
Katie Robinette, Executive Director
Kelly Lovell, Executive Assistant



does not have offices in Osgoode Hall, but the building remains an important facility for the services our members provide to Ontarians.

Noise, traffic, dust, and other construction realities are not consistent with the rigorous and concentrated work, research, and advocacy that takes place at Osgoode Hall. It also hinders our public commitments to provide open, accessible courts. It is unknown how construction vibrations and shaking will impact the integrity of the building. Among other specifics, Metrolinx documents estimate the removal of 96,000 squared meters of material, requiring 25 trucks per day transiting through our court grounds. A further 25 trucks per day are estimated to accommodate deliveries of concrete, steel, and other materials, and up to 15 trucks per hour. This work will require the removal of mature trees and heritage landscaping, walkways, and other features of the property.

We are deeply concerned by the apparent disregard for the heritage, environmental, and community value of this historic property. Both the Osgoode Hall building and grounds are designated as historic sites. Construction of the building began in 1828, under the direction of the Law Society, which continues to occupy the facility. The building was expanded in stages to the current complex, and it is now regarded as one of the most beautiful buildings in Canada. The Osgoode Hall grounds were adorned with the historic iron fence along Queen and University in the 1860s. The metal was spared during Canada's war effort and has even survived past municipal proposals to widen Queen Street. The grounds continue to be the only public greenspace in downtown Toronto, which serves important environmental, health, community purposes.

It remains unclear to us why Osgoode Hall – a working justice institution – has been selected for this disruptive project when there are clearly other possibilities in the vicinity that are less problematic. We understand, from our conversations with some stakeholders, that Metrolinx has acknowledged that other locations are also technically feasible. We note, for instance, that Campbell House, on the northwest corner of Queen and University, serves no governmental or institutional function and, unlike Osgoode Hall, is not even in its original location. The building was moved there in 1972.

Finally, in writing you today, we are mindful that some of the stakeholders most impacted by subway construction at Osgoode Hall are not in a position to engage in advocacy on these issues or to proactively bring their operational needs and concerns to your attention. To that end, we urge Metrolinx to meaningfully canvass the views and concerns of the courts. We have copied on this letter the Chief Justices' offices, and we urge you to make contact with them before moving forward.

Should you wish to discuss these matters, please feel free to contact me. We anticipate that all of the organizations copied on this letter will have an interest in your response and how this project unfolds. We encourage you to make contact with each of them.

Sincerely,

Douglas W. Judson
Chair
info@douglasjudson.ca



- C. The Honourable George Strathy, Chief Justice of Ontario, *Via Email (jacob.bakan@ontario.ca)*;
The Honourable Geoffrey B. Morawetz, Chief Justice of the Superior Court of Justice, *Via Email (joshua.patlik@ontario.ca)*;
The Honourable Doug Downey, MPP, Attorney General of Ontario, *Via Email (doug.downey@pc.ola.org)*;
His Worship John Tory, Mayor, City of Toronto, *Via Email (mayor_tory@toronto.ca)*;
Ward 10 (Spadina—Fort York) Office, City of Toronto, *Via Email (Brent.Gilliard3@toronto.ca)*;
Ward 13 (Toronto Centre) Office, City of Toronto, *Via Email (Robin.BuxtonPotts3@toronto.ca)*;
Teresa Donnelly, Treasurer, Law Society of Ontario, *Via Email (tdonnelly@lso.ca)*;
Toronto Lawyers' Association, *Via Email (eodonovan@osc.gov.on.ca)*;
Karen Perron, President, Ontario Bar Association, *Via Email (kperron@blg.com)*;
Deborah E. Palter, President, The Advocates' Society, *Via Email (dpalter@tgf.ca)*;
County and District Law Association Presidents, *Via Email (various)*



160 Queen Street West
Toronto M5H 3H3

Malcolm MacKay, Sponsor, Ontario Line

November 20, 2022

Dear Mr MacKay,

Re: Metrolinx plan to remove Osgoode garden trees BEFORE third-party review

The Sir William Campbell Foundation has learned that Metrolinx notified the Law Society of Ontario that it intends to begin cutting down trees in the Osgoode garden, beginning on December 5. Such a unilateral action would fly in the face of Metrolinx's prior commitment to the City and to the community, that it would support the City's third-party independent review of Metrolinx's plan for Osgoode station (Metrolinx slide decks, August 9 and 23, 2022). The commitment was also captured in the Metrolinx minutes for August 9:

"We will receive the report and we would welcome the comments, then evaluate and pivot as necessary and make sure we arrive at the best outcome." (Malcolm MacKay, minutes, p 2 of pdf).

"Malcolm made it clear we will support the COT on their review and thank you very much for the COT for providing that update. Our next update will be around that 3rd party review when it is ready for sharing" (Mark Clancy, minutes, p 6 of pdf).

The Foundation understands that the third-party review has been commissioned by the City, but it is not yet delivered by the consultant firm.

The removal of the Osgoode trees, beginning on December 5, would cause irreversible damage to the historic urban forest at the northeast corner of University & Queen. Any "advance works" in the Osgoode garden before City Council receives and responds to the third-party review are premature.

By way of this letter, the Foundation requests that Metrolinx:

1. pause the irreversible removal of trees on December 5 until City Council has received and responded to the third-party review; and
2. organize a community meeting (#3) to discuss the matter.

Sincerely,

Liz Driver, on behalf of the Sir William Campbell Foundation