

## Civil Litigation

# FOLA has 'serious concerns' about Metrolinx construction at Osgoode Hall, impact on courts

By **Amanda Jerome**

(June 2, 2022, 10:29 AM EDT) -- The Federation of Ontario Law Associations (FOLA), has "serious concerns" about the proposed Metrolinx development that will impact the grounds of Osgoode Hall in Toronto. FOLA stressed that heavy construction would disrupt "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," which are "central to the function of the Ontario court system and the legal profession itself."

In a letter to Metrolinx president and CEO, Phil Verster, FOLA noted that its concerns come from discussions it's had with "member organizations and stakeholders in the justice system about this project."

The letter, dated June 1, noted that Metrolinx's proposed redevelopment of Osgoode Station 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." The letter also noted that the new station, once completed, 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," wrote FOLA chair, Douglas Judson, in the letter.



Federation of Ontario Law Associations chair Douglas Judson

The letter stressed that "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," Judson added.

FOLA noted that Metrolinx documents "estimate the removal of 96,000 squared meters of material, requiring 25 trucks per day transiting through our court grounds" and "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," the letter explained, stressing that FOLA is "deeply concerned by the apparent disregard for the heritage, environmental, and community value of this historic property."

The letter also noted that "both the Osgoode Hall building and grounds are designated as historic sites," the building being constructed in 1828.

"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 green space in downtown Toronto, which serves important environmental, health, community purposes," explained Judson, adding that "it remains unclear" 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."

FOLA noted that Metrolinx "has acknowledged that other locations are also technically feasible" and that that Campbell House, for instance, which sits across the street, "serves no governmental or institutional function and, unlike Osgoode Hall, is not even in its original location" as the building was "moved there in 1972."

Judson stressed 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," the letter added, "we urge Metrolinx to meaningfully canvass the views and concerns of the courts."

FOLA also sent the letter to the chief justices' offices and urged Metrolinx "to make contact with them before moving forward."

Law Society of Ontario (LSO) treasurer, Teresa Donnelly, also alerted Convocation to Metrolinx's plan to establish "the Ontario line, a 15-stop subway line that will run from Exhibition Place through downtown Toronto to the Ontario Science Centre" on Feb. 24. She noted the construction would impact the Osgoode Hall property and said the LSO would continue to provide updates to its benchers.

*The Lawyer's Daily* reached out to Metrolinx for comment, but did not receive a response before press time.

*If you have any information, story ideas or news tips for The Lawyer's Daily please contact Amanda Jerome at [Amanda.Jerome@lexisnexis.ca](mailto:Amanda.Jerome@lexisnexis.ca) or call 416-524-2152.*