2 February 2012
4:30-5:30PM
Room A-5 CITY HALL TORONTO

Meeting with Councillors Kristyn Wong-Tam and Mary Margaret McMahon re RAVINE PROTECTION BY-LAW.

Attending:

Councillor Mary Margaret McMahon
Councillor Kristyn Wong-Tam

Martin Gladstone
Neil Sinclair
Jennifer Brass
Kip McCaskill
Viive Raamat

As residents in their individual capacity

Background:

1. Toronto has only two natural resources unique to our city. One is the Lake. The other is our ravines and watercourses. That should rank culturally and politically as important or more important to the definition of the City of Toronto over the next hundreds of years.

2. Most believe that there are effective by-laws with teeth to protect our ravines. There are not. Many believe ravines are as sacrosanct as our parks. They are not. The "Ravine and Natural Feature Protection" protection by law 658 speaks to the altering of grade and removal of trees. There is no requirement to preserve and no exclusions for ravines in the OP from intensification.

3. Glen Davis Ravine: a case history. All three levels of elected representatives supported the residents. The city designated Glen Davis a ravine in 1988. The OMB upheld that designation in 1990. The residents fought at their own expense to have that designation made. Yet a developer has the right to a variance to set all aside and build on the ravine. There is no protection. We would advocate that "once a ravine, always a ravine" with the understanding that there has to be a high threshold for any body to disregard the ravine designation. That protection has to come from the

legislative direction of council with a by-law that stands up, appreciates, and protects our ravines.

4. There is cross ward city support for this cause by many like minded groups and by residents across all walks of life. In our ward (32) we have Friends of Glen Davis Ravine and the Beach Waterfront Community Association.

5. The ravine issues pertaining to Glen Davis Ravine illustrated that:

a) the City can support a ravine one day and then change it later based on the initial direction from planning that essentially overrides everything else;

b) that the Planning Department has an unofficial designation of derogated ravines. This means that while there is no classification system of ravines in any by-law, or any authority in case law, a developer can argue that a ravine is derogated which allows planning to recommend the variance. We have an official system of “good ravines, bad ravines” which has to end. Developers buy the land, denude it and derogate it, and then apply for a variance that it is a derogated ravine in the absence of any legislative authority or basis.

c) that the Toronto Conservation Authority disclaims jurisdiction if there is no visible watercourses – especially damaging when all the water routes are buried but nevertheless exist and serve the same necessary purpose of drainage.

d) that the residents must abide by the by law but the developers do not have the same rules.

e) that the definition of "top of bank, is weak and not appropriate;

f) that the area in the bank [soil] is not included if lost to a physical structure;

g) that the replanting can trump current preservation. There is little regard given to wild spaces and ravine stewartship plans are accepted – forgetting that the developer may not be there to stewart in the years to come and showing ignorance over natural ecosysytems;

h) that enclosed and segregated properties on ravines have been sold in tax sales by the City as opposed to land banking;

i) that the ravine is not seen as of concurrent importance by planning in light of development, nor the fact that ravines are congruous and form corridors for wildlife.

The legal areas

The existing by-law 658 is aimed at current land owners' preservation of ravines. It was not drafted in light of OP and planning criterion and no thought was given to intensification taking place on ravines. Hence vacant - abandoned lands or lands adjacent to development or arteries for transportation are not included in the overall intent of the by-law as it currently exists.

The recommendations

a) We are ready to have a city wide citizens' coalition in support of ravines

b) That the by-law has to be refocused to address current issues like development and infill and intensification on ravines. It not against development it is about preserving our ravines.

c) That the rule must be preservation trumps in planning with the right of the city to rule on specific exceptions but the legislation directed to be interpreted in favour of ravines and that there are no bad ravines or good ravines – all ravines merit protection.

d) That Ravines are not a NIMBY issue as they affect all residents and wildlife in Toronto and should be seen as an integrated natural resource for development. The Glen Davis Ravine precedent set at the OMB sets the worst possible precedent which other developers will cite in furthering their Applications to intensify on ravines. That is why the matter needs to be visited again at this time.

e) An amended by – law that:

i. Reaffirms that our ravines are a treasure and natural resource of our city;
ii. That any proposed development application to Planning that impacts on a designated city ravine needs to be subject to a strengthened city by-law that falls on the side of preservation.
iii. Urban Forestry expands their mandate to include water management of ravines. Paradigm shift – ravines are not only defined by trees, (not all ravines are treed)
iv. ravine protection by-law enforcement