

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, March 21, 2025 Meeting

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **VOLUNTARY PROJECT REVIEW 2024**
Works Undertaken by Organizations Exempt from
Conservation Authorities Act and associated Regulations

KEY ISSUE

Summary report on the Voluntary Project Review (VPR) of works undertaken by organizations exempt from the approval process under the Conservation Authorities Act (CA Act) and associated regulations, through VPR letters issued in 2024 and to rebrand the VPR process to a “Toronto and Region Conservation Authority (TRCA) Project Review – Notice of Completion”.

RECOMMENDATION:

IT IS RECOMMENDED THAT the summary information related to provincial and federal Crown Corporation projects reviewed through TRCA’s Voluntary Project Review in accordance with Section 28 of the CA Act and associated regulations, be received;

AND THAT TRCA staff continue to advocate that Crown corporations undertaking environmental assessments for infrastructure projects consider working with TRCA through its VPR process during the environmental assessment and detailed design phase for projects located within TRCA’s regulated area to ensure projects do not affect the control of flooding, erosion, and dynamic beaches or unstable soil or bedrock and not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property;

AND THAT the TRCA VPR process letter be rebranded to a “TRCA Project Review - Notice of Completion” process and letter to conform to Metrolinx requirements;

AND FURTHER THAT TRCA staff continue to report back to the TRCA

Board of Directors on a yearly basis for projects completed under this review process.

BACKGROUND

Since 2014, TRCA has provided an option for provincial and federal government ministries and Crown corporations exempt from the CA Act to apply for a VPR under the requirements of Section 28 regulatory approval processes. The intent of this application process is to assist ministries and government agencies in reducing risk from natural hazards and to better protect the natural environment and address flooding, erosion, and all applicable tests under the CA Act.

To protect the environment, reduce risk and achieve greater certainty for provincial and federal government proponents, TRCA developed a process whereby the exempt ministry or crown corporate may voluntarily request TRCA to review and comment on detailed design activities to confirm that TRCA policies and procedures applicable to non-exempt proponents are being addressed. Once TRCA concerns are satisfied, a VPR letter is provided by TRCA staff at the design stage confirming TRCA objectives and requirements have been satisfied as set out in The Living City Policies and the CA Act and associated regulations.

The TRCA VPR program began in 2014, with the signing of the first TRCA-Metrolinx Service Level Agreement, which includes stipulations related to TRCA's review of GO Expansion, Bus Rapid Transit, Light Rail Transit and Subway projects. Applications received by TRCA for Metrolinx and their contractors include works such as retaining walls, bridges and culverts, track expansions, station and parking facilities, staging, storage and access, erosion and sediment controls, restoration, and utility relocations. During the past decade, TRCA has issued a total of 138 VPR letters, 91% of which were issued to Metrolinx or their contractors. The remaining letters have been issued for 407 ETR, Ministry of Transportation, Ports Toronto, Parks Canada, Waterfront Toronto, and Infrastructure Ontario projects.

In 2024, TRCA issued 25 VPR letters, 24 of which were issued for Metrolinx projects (18 letters were issued to Metrolinx, and 6 to their contractors). The remaining letter was issued to Waterfront Toronto. Details are provided in Attachment 1: Summary of 2024 Voluntary Project Review Projects. Also in 2024, Metrolinx staff advised that from a contract administrative perspective, the term "Voluntary" Project Review has been

misinterpreted by their staff and contractors, and respectfully requested TRCA rebrand the program.

RATIONALE

In executing its contracts, Metrolinx has advised that the term “Voluntary” Project Review has been interpreted as a voluntary process in their contracts and by their staff, which it is not. The term “voluntary” was originally intended to reflect Metrolinx’s (and other crown agency’s) commitment to complying with the CA Act and associated regulations, which they are not legally obligated to follow, on a voluntary basis. Metrolinx follows a similar process for Planning Act reviews with the City of Toronto which is branded as a “Compliance Review” and the City subsequently issues a “Notice of Completion” letter. Metrolinx has recently and respectfully requested TRCA follow suit in order to reduce future misinterpretations.

Relationship to TRCA’s 2023-2034 Strategic Plan

This report supports the following Pillars and Outcomes set forth in TRCA’s 2023-2034 Strategic Plan:

Pillar 1 Environmental Protection and Hazard Management:

1.4 Balance development and growth to protect the natural environment ensuring safe sustainable development

Pillar 2 Knowledge Economy:

2.3 Advocacy and adaptability in the face of policy pressures

NEXT STEPS

Staff will continue to work with partners to advocate for and review projects submitted under the TRCA Project Review - Notice of Completion (formerly VPR) process; update the branding on relevant documents to reflect “Notice of Completion”, including templates, Standard Operating Procedures, Service Level Agreements, the Planning Application Review and Enforcement System (PARES), the Planning and Permits fee schedule for infrastructure projects, and web materials; advise proponents of the rebranding/naming change; and report back to the TRCA Board of Directors through the Executive Committee on Notice of Completion letters issued in 2025.

Report prepared by: Shirin Varzgani, Senior Planner

Email: Shirin.Varzgani@trca.ca

For Information contact: Beth Williston, (437) 880-2385

Email: beth.williston@trca.ca

Date: January 8, 2025

Attachments: 1

Attachment 1: Summary of 2024 Voluntary Project Review Projects