

August 27, 2021

Mr. Donald Wright, Chair, Metrolinx
Metrolinx Board of Directors,
Sent via email: chair@metrolinx.com

Dear Mr. Wright & Metrolinx Board of Directors,

Missing a train is only painful if you run after it.
Nicholas Nassim Taleb

This letter is sent to you on behalf of the Royal Orchard Ratepayers Association and its Steering Committee to stop Option 3 and keep the Yonge North Subway Extension [YNSE] on Yonge Street. Its purpose is to encourage you to champion a rethink of Option 3. I would like to share with you two instances that indicate that a review of Option 3 is necessary.

Yesterday I received a response from Metrolinx concerning a Freedom of Information request we had made regarding YNSE alignment plans. We have been waiting since mid-May for a decision. While it was extremely disappointing to learn that our request has been denied, it was dumbfounding to learn the basis for it. Four sections of the *Freedom of Information and Protection of Privacy Act* were set out as the reasons for withholding the requested information. The inclusion of s. 16 as one of the enumerated sections is shocking. Section 16 states that a record may be refused to be disclosed if the disclosure “could reasonably be expected to prejudice the defence of Canada ... or be *injurious to the detection, prevention or suppression of espionage, sabotage or terrorism...*” Emphasis added. If the detection, prevention or suppression of sabotage or terrorism is a factor for the denial, why is this subway being built under private residences? Metrolinx cannot have it both ways; it cannot repeatedly profess that Option 3 is safe and then invoke s. 16 as a reason not to disclose salient information. I would note that a listed purpose of the *Act* at s. 1 (a)(ii) is that necessary exemptions from the right to access should be “limited and specific.” The signatories of this response are the CEO of Metrolinx, Phil Verster and the CFO of Metrolinx Jennifer Gray. The invoking of this particular section without context in order to defeat a good faith request for information is outrageous.

Second, members of the Community Liaison Committee (CLC) were invited to visit the basement of Schulich Business School in order to experience what it is like for a subway to travel underneath a structure. Our group considered and then declined the invitation as not being a fair comparable and suggested instead that Metrolinx find a site where a

subway had been built under a 50 + year old residential community. Metrolinx's response was to acknowledge that, "we understand and appreciate you sharing your reservations about participating in this tour". This response doesn't address the substance of our request; it simply acknowledges that we have concerns. The response then continues as follows, "while the Schulich building is *different than a single-family home*, we *know* it is a good demonstration of what it sounds and feels like when a *modern* subway passes under a building with a tunnel directly below." [emphasis added] What followed never addressed the request we had made; the residential comparable was *not* provided nor was the reason why it was not provided. Our request was simply ignored. This is extremely concerning based on the fact that Metrolinx has admitted that it has *no* experience in constructing a project which tunneled under a residential community. To date no further CLC meetings have been scheduled. This example highlights the crucial need for a frank and transparent re-think of Option 3 at your direction.

Since we first became aware of Option 3 we have looked to Metrolinx to demonstrate that the chosen alignment was the result of rigorous investigation the results of which would be openly shared. What we have experienced is policy based evidence making. Video town halls and community engagement meetings are stale, shallow and rehearsed. When representatives from Metrolinx say that they are listening to us they are listening in order to deflect, debate and defend. After almost five months Metrolinx contacts remain hidden behind a protective wall of generic phone numbers and email addresses. We find this extremely unsettling and would expect that you would as well.

By undertaking a full review of Option 3, you as Chair have a defining opportunity to make a significantly positive contribution to the YNSE. Let's not run after the inferior Option 3. Together we can choose a better path.

I look forward to your response. I also welcome any comments any member of your board may have. As the early works for this project have commenced and in light of the Freedom of Information denial set out above, your prompt response is imperative .

Sincerely,

Dwight Richardson

cc Hon. Caroline Mulroney, Ontario Minister of Transportation, minister.mto@ontario.ca
Frank Scarpitti, Mayor, City of Markham , MayorScarpitti@markham.ca
Keith Irish, Councillor, Ward 1 Markham, KIrish@markham.ca
Patricia Kosseim, Information and Privacy Commissioner of Ontario, info@ipc.on.ca