

Caledonia GO Station Transit Project Assessment Process Permit and Approval Requirements Report

Metrolinx

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## **Executive Summary**

There are a number of permits, approvals and agreements that may be required by federal, provincial and conservation authorities', municipal agencies, utilities and transit/rail corporations for all phases of the Caledonia GO Station Project in order for implementation to proceed.

The work activities reviewed as part of the Caledonia GO Station Transit Project Assessment Process anticipate that the following permits, approvals and agreements are required:

- Compliance under the Migratory Birds Convention Act (1994) for site clearance;
- Environmental Compliance Approval from the Ministry of Environment and Climate Change for noise and air pollutants and for stormwater management works;
- Temporary Environmental Compliance Approval from the Ministry of Environment and Climate Change for groundwater and surface water discharge during construction;
- Compliance under the Ontario Water Resources Act (1990) for well abandonment;
- Registration with the Ministry of Environment and Climate Change and compliance under the Environmental Protection Act (1990) for hazardous waste activities and offsite disposal;
- Consultation with Ontario Energy Board regulated companies to ensure issues are addressed in accordance with utility crossing agreements (existing Hydro One Network Inc. overhead line on the Barrie GO rail corridor);
- Connection Applications to Ontario Energy Board regulated companies for hydro and gas connection to the Caledonia GO Station site and Transmission Connection Agreement for ongoing operations with the providers; and
- Municipal Service Application to Toronto Water for the connection of water and sewer service. Subsequent to the connection being installed a Water Turn On request must be submitted to Toronto Water; and
- Other utility service connection applications for telephone and communications.

Metrolinx, as an agency of the Province of Ontario, is not subject to municipal permits and approvals and is exempt from the conservation authority regulations and policies. However Metrolinx's policy is to adhere to the intent of the relevant permits, approvals and requirements to the greatest extent possible, and to submit applications for review and information. In the spirit of cooperation and coordination the following information will be provided to the Toronto and Region Conservation Authority (TRCA) or City of Toronto for their review and comment; however, formal permit approval will not be sought:

 Metrolinx will pursue a review under the TRCA Voluntary Project Review as per the service level agreement with TRCA;

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- The Environmental Management Plan will be provided to TRCA for their review and comment on any dewatering activity that may be required and stormwater management plans for the discharge of water and waste water;
- Information relating to building and planning approvals for building structures and facilities will be provided to the City of Toronto for their review and comment;
- The Storm Water Management Plan (prepared as a part of the detailed design phase of the Project) will be provided to the City of Toronto for their review and comment on the discharge of water and wastewater;
- Information relating to construction within and/or adjacent to the existing City of Toronto right-of-way or Park land will be submitted to the City of Toronto;
- Information relating to plans for tree protection and removal will be provided to the TRCA and the City of Toronto for their review and comment;
- Information relating to zoning amendments will be provided to the City of Toronto for their review and comment;
- Information relating to development plans for the Station infrastructure will be provided to the City of Toronto for their coordination, review and comment; and

Identify any impacts of the Project that would trigger zoning bylaw amendments or impact land use development. In addition to the required permits and approvals identified for the Caledonia GO Station, the potential effects on utilities within the Station site will be investigated as part of the detailed design phase and mitigation measures identified as appropriate.

Various safety, training and protocols will be established as required, in accordance with the relevant authorities, with respect to the planned integration and connection of existing transit and rail freight services that will continue to operate or are planned to interchange at the Caledonia GO Station.

The work activities reviewed as part of the Caledonia GO Station Transit Project Assessment Process are not anticipated to require the following:

- Canadian Environmental Assessment Agency Project Review;
- Federal Species at Risk Permit from Parks Canada, Department for Fisheries and Oceans or Environment Canada;
- Migratory Bird Permits from Environment Canada;
- Construction Permits from the Ministry of Transportation Ontario;
- Regulatory Exemption Permit application (self-regulated) from the Ministry of Natural Resources and Forestry (MNRF).
- Permit from the TRCA under Ontario Regulation 166/06 for "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

A number of permits, approvals and agreements that are required for all phases of the Caledonia GO Station have been identified in order for the Project to proceed. Metrolinx

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will continue to monitor conditions associated with the TPAP that may "trigger" requirements for permits or approvals and potential interest in the Caledonia GO Station Project. In particular existing utilities and dewatering requirements will be investigated further during the detailed design stage of this Project.

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#### 1.0 Introduction

In accordance with Ontario Regulation (O.Reg.) 231/08, a notice to proceed must be obtained from the Ministry of Environment and Climate Change (MOECC) before the Caledonia GO Station Project (herein referred to as "Project") can proceed. As such, Metrolinx, as an agency of the Province of Ontario, is undertaking an Environmental Assessment (EA) and Preliminary Design Update in accordance with the Ontario Transit Project Assessment Process (TPAP) as part of the Project. In addition to carrying out the TPAP, there are also a number of other federal, provincial, municipal, and other approval/ permits required for the Project in order for implementation to proceed. The following report outlines the permits and approvals that may be necessary for Metrolinx to obtain based on the current preliminary design and input that has been received from review agencies to date.

The TPAP and Preliminary Design Update for the Caledonia GO Station will include a study of the assessment of potential environmental impacts within the TPAP study limits. The TPAP and Preliminary Design Update incorporate the planned Barrie GO Rail Corridor Expansion and Eglinton Crosstown Light Rail Transit (ECLRT) projects and have been assessed for the future GO Rail service scenarios associated with the planned Barrie GO Rail Corridor Expansion project.

## 2.0 Project Area

The site plan for the Caledonia GO Station is included in Appendix A. For the purposes of this Permits and Approvals Report, the Project Area is defined as follows:

- All lands within the existing rail corridor Right-of-Way (ROW) within the TPAP study limits.
- All private property adjacent to the existing rail corridor ROW that may need to be
  acquired to accommodate the planned Barrie Rail Corridor Expansion project second
  and third tracks within the TPAP study limits and the Caledonia GO Station
  infrastructure (station building, pedestrian bridge, island platform, provisional side
  platform, provisional tunnel, Kiss-and-Ride area and Staff parking/drop off areas).
- All publicly owned land and ROWs within the study limits that may need to be acquired to accommodate access to the station and access to the provisional north pedestrian tunnel.

## 3.0 Permits, Approvals and Agreements

The following section identifies the permits, approvals and agreements that may be required by federal, provincial and conservation authorities', municipal agencies, utilities

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and transit/rail corporations for all phases of the Project including detailed design, construction and post-construction periods.

Metrolinx will continue to monitor conditions associated with the TPAP that may "trigger" requirements for permits or approvals and potential interest in the Project. The following list is identified by jurisdiction and is intended to cover all potential requirements. Metrolinx may not be required to obtain permits from all of the parties noted below and where clarification is necessary to confirm if a particular component requires a permit or approval, consultation will be undertaken with the approval agency responsible for issuing such permit or approval.

#### 3.1 Federal

#### 3.1.1 Canadian Environmental Assessment Agency

The Canadian Environmental Assessment Act 2012 (CEAA) protects the environment from significant adverse environmental effects caused by a projected that is considered to be a "designated project". A "designated project" includes any physical activity that is prescribed under Regulations Designating Physical Activities under the Act. CEAA 2012 may also apply if the project is on federal lands and requires a federal authority to exercise any power or perform any duty or function that could permit a project to be carried out. In these cases, the federal authority would need to determine that the carrying out of such a project is not likely to cause significant adverse environmental effects. In accordance with the CEAA, projects that are referred to the Canadian Environmental Assessment Agency as a "designated project" may require a Federal EA.

As part of the Caledonia GO Station TPAP, a review of the CEAA regulations has been completed with respect to the proposed work activities to be undertaken for the Project. The Project is not a "designated project" and is not being undertaken on federal lands; therefore, CEAA 2012 does not apply to this Project and thus a Federal EA is not required.

#### 3.1.2 Environment Canada - Species at Risk

In accordance with the Species at Risk Act (SARA), permits are required by projects where activities may affect species that are identified within Schedule 1 of SARA as extirpated, endangered, or threatened and which contravene the Act of critical habitat prohibitions.

Permits for activities affecting a Schedule 1 species in a national protected heritage area are administered by Parks Canada. For activities affecting a Schedule 1 aquatic species, permits are administered by the Department of Fisheries and Oceans (DFO). All other SARA permit requests are administered by Environment Canada.

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As part of the Caledonia GO Station TPAP a review of SARA Schedule 1 has been completed with respect to the proposed work activities to be undertaken for the Project. Based on this review, implementation of the Caledonia GO Station is not anticipated to result in an effect on any of the Schedule 1 species and therefore this project does not require any SARA permit applications to Parks Canada, DFO or Environment Canada.

## 3.1.3 Environment Canada - Department of Fisheries and Oceans (DFO)

In accordance with the SARA (discussed in Section 3.1.2) and the Fisheries Act, approval from the DFO is required for projects where activities may affect aquatic species that are identified as endangered or threatened or where the activity may result in serious harm to fish that are part of a fishery and therefore protected under these acts.

The Project does not require DFO Project Review under the Fisheries Act; however, there is still a responsibility to follow the requirements from other federal, provincial and municipal jurisdictions to ensure compliance with the SARA.

#### 3.1.4 Environment Canada – Migratory Bird Regulations (MBR)

In accordance with the Migratory Birds Convention Act, 1994 (MBCA) approval from Environment Canada is required for projects where activities may affect migratory birds and their active nesting areas particularly during identified breeding periods.

The Project is not anticipated to require permits or review by Environment Canada under the MBCA; however, there is still a responsibility to adhere to these regulations and ensure compliance particularly during tree and vegetation removal associated with site clearance.

#### 3.1.5 Transport Canada – Navigation Protection Program

In accordance with the Navigation Protection Act (NPA) construction of works is prohibited in, on, over, under, through or across any navigable water that is listed in the NPA schedule unless approval has been provided by Transport Canada. Since there are no navigable waters within the Project Area, this requirement is not applicable to the Project and approval from Transport Canada is not required.

## 3.2 Provincial

#### 3.2.1 Ministry of Environment and Climate Change (MOECC)

#### 3.2.1.1 Environmental Compliance Approval (ECA) – Air and Noise

In accordance with the Environmental Protection Act, 1990, (EPA), a project must have environmental approval from the MOECC if it releases pollutants into the air, land or water. An environmental approval sets out operational rules for these activities in order

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to protect the natural environment. Under Part II.1 of the EPA, an Environmental Compliance Approval (ECA) will be required from the MOECC for the Caledonia GO Station for the station building maintenance room (generator) emissions associated with air and noise, prior to its commissioning.

There is potential for the MOECC to require an Acoustic Audit as a condition of the ECA, which would require a monitoring study to be completed by an independent third party during construction and operation of the station building in order to demonstrate that it complies with the MOECC sound level limits outlined in the ECA.

As part of the ECA – Air and Noise submission for the Caledonia GO Station, reference should be included to any existing ECAs associated with the planned Caledonia ECLRT Station. The submission should include a status update on whether any other ECA have been issued for the Caledonia GO Station.

#### 3.2.1.2 Environmental Compliance Approval (ECA) - Stormwater Works

For compliance with the EPA, a project must have environmental approval from the MOECC if it releases pollutants into the land or water or stores, transports or disposes of waste. An environmental approval sets out operational rules for these activities in order to protect the natural environment. Under Part II.1 of the EPA, an ECA will be required from the MOECC for the Caledonia GO Station for approval of the station discharges and Stormwater Management Plan. Any conservation authority and municipal review comments must be provided to the MOECC as part of the ECA application for stormwater works.

As part of the ECA – Stormwater Works submission for the Caledonia GO Station, reference should be included to any existing ECAs for other stormwater management systems that are intended to be associated with the proposed system, e.g., New Storm Tunnels/Storm Sewers/Combined Sewer Replacements at Croham Road and the planned Caledonia ECLRT Station. The submission should include a status update on whether any other ECA have been issued for the Caledonia GO Station.

#### 3.2.1.3 Well Abandonment and Source Protection

The MOECC regulates well abandonment under Ontario Regulation 903 of the Ontario Water Resources Act (OWRA), 1990. Though no wells have been identified within the project area, the potential exists to discover wells during the construction process and potentially on property obtained as a necessity through property acquisition. Should wells be encountered that require decommissioning, wells must be abandoned in accordance with Ontario Regulation 903 by a certified professional.

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From review of the MOECC online Source Water Protection Area mapping it has been confirmed that there are no existing Source Water Protection Areas, Wellhead Protection Areas or Intake Protection Zones located within the Study Area.

#### 3.2.1.4 Permit to Take Water (PTTW)

A PTTW is issued under Section 34 of the Ontario Water Resources Act (OWRA) for temporary water takings from the environment that exceeds 50,000 L/day. This includes water draw from groundwater. The need for dewatering during construction activities will be confirmed during detailed design, as will the requirement for a PTTW (if more than 50,000 L/day of groundwater is to be pumped). Dewatering is not anticipated to be required during construction activities, with the exception of the potential for dewatering requirements as part of installation of station building/ pedestrian bridge foundations and as part of the provisional north pedestrian tunnel. The requirement for dewatering will be confirmed as part of the Geotechnical Investigation during the detailed design phase of the Project. As part of the Geotechnical Investigation, potential impacts would be assessed and strategies for mitigation will be proposed as part of the PTTW application process, if required.

With the planned work for the Barrie Rail Corridor Expansion and Caledonia ECLRT projects in the adjacent area in mind, any intentions to take over an existing dewatering operation will require a new permit to be approved by the MOECC. This must include a letter from the previous permit holder confirming cancellation of the previous PTTW.

A review by Toronto and Region Conservation Authority (TRCA) will also be required for dewatering activity if this is determined to be required during detailed design.

# 3.2.1.5 Temporary Environmental Compliance Approval (ECA) – groundwater and surface water

As part of the Geotechnical Investigation, during detailed design, soil and groundwater samples will be analyzed for potential contamination. If the Geotechnical Investigation confirms the presence of contaminated groundwater, a temporary ECA will be applied for and obtained from the MOECC for this project for discharge of groundwater during construction. For areas where it is identified that construction may affect groundwater, in accordance with the MOECC ECA requirements and conditions, a groundwater monitoring and treatment plan/program for pre-construction and construction periods may be required. It is noted that this temporary ECA is a separate application from the ECA for the permanent STM system.

#### 3.2.1.6 Hazardous Waste Transportation and Processing

In accordance with Ontario Regulation 347 under the EPA, hazardous waste activities must be registered with the MOECC. Hazardous Waste Information Network (HWIN)

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allows excess hazardous waste generated on-site that requires off-site removal to be registered with the MOECC as required under the Land Disposal Restrictions outlined in the EPA.

#### 3.2.2 Ministry of Tourism, Culture and Sport (MTCS)

As part of the TPAP a Stage 1 Archaeological Assessment Report and a Cultural Heritage Screening Report have been prepared. MTCS approval and sign off on the Stage 1 Archaeological Assessment Report. Approval for any modifications to the Conservation Plan as a result of alterations to Provincially Significant Heritage resources will be requested of MTCS, if required, for the Project.

#### 3.2.3 Ministry of Transportation (MTO)

Construction permits are required from the MTO prior to any work taking place within or adjacent to a highway right-of-way (ROW). MTO encroachment permits are also required for any investigation or survey work within the ROW prior to construction.

No permits are expected to be required from the MTO for the Project.

#### 3.2.4 Ministry of Natural Resources and Forestry

The MNRF provides protection to endangered or threatened species of plants and animals and their habitat through restricting project activities that may affect these plants, animals or habitats in accordance with the Endangered Species Act, 2007 (ESA). The MNRF maintain an Ontario list of species at risk for which it is guides work activities to prevent, minimize and compensate for adverse effects on the protected species and habitats through appropriate timing, location and methods of activities. If avoidance is not possible, regulatory exemption permits can be requested from the MNRF for authorizations to proceed with activities that would otherwise contravene the Endangered Species Act. This permit is approved by the MNRF and includes conditions that must be met to protect and recover the species at risk.

As part of the Caledonia GO Station TPAP a review of potential Endangered Species has been completed with respect to the proposed work activities to be undertaken for the Project. Based on this review, the implementation of the Caledonia GO Station is not anticipated to result in an effect on any of the species at risk and therefore this project does not require any regulatory exemption permit applications (self-regulated) from the MNRF.

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#### 3.2.5 Ontario Energy Board

#### 3.2.5.1 Existing Hydro One Infrastructure

Metrolinx will continue to work with Hydro One Networks Inc. to ensure all implementation issues are addressed in accordance with the Hydro One crossing agreement relating to the burial of the existing Hydro One overhead line in the Barrie GO rail corridor within the vicinity of the Caledonia GO Station site. The conflicting hydro tower is identified as Existing Hydro One Tower 17 in the Site Plan in Appendix A.

In addition, the following potential requirements related to Hydro One's infrastructure will be discussed with Hydro One:

- Hydro One facilities will not be obstructed in any way by the construction/ implementation of the station building and associated works;
- Transmission line clearance requirements will be complied with; and
- Subsequent to the relocation of the overhead Hydro One line, no other adverse effects will occur to Hydro One facilities.

#### 3.2.5.2 Toronto Hydro Connection Agreement

Metrolinx will make a Connection Application to Toronto Hydro for the connection of hydro to the Caledonia GO Station Site. Toronto Hydro will complete a Customer Impact Assessment and conduct a Cost Estimate Study. A Connection Cost Recovery Agreement is required to secure funding and to contract for engineering, construction and commissioning work done by Toronto Hydro. Prior to connection, Metrolinx will enter into a Transmission Connection Agreement for ongoing operations with the Transmitter.

#### 3.2.5.3 Enbridge Gas Connection Agreement

Metrolinx will make a Connection Application to Enbridge Gas for the connection of gas to the Caledonia GO Station Site. Enbridge Gas will complete a Customer Impact Assessment and conduct a Cost Estimate Study. A Connection Cost Recovery Agreement is required to secure funding and to contract for engineering, construction and commissioning work done by Enbridge Gas. Prior to connection, Metrolinx will enter into a Connection Agreement for ongoing operations with the gas provider.

#### 3.3 Conservation Authorities

#### 3.3.1 Toronto and Region Conservation Authority (TRCA)

Metrolinx, as an agency of the Province of Ontario, is exempt from the TRCA's Acts and Regulations and as such does not have a requirement to apply for and obtain permits from the TRCA. However, Metrolinx will pursue a review under the TRCA Voluntary

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Project Review as per the service level agreement with TRCA for the Caledonia GO Station Project. When and where possible, Metrolinx will engage TRCA and will adhere to their requirements for regulated areas as outlined below:

- In accordance with O.Reg. 166/06 a permit from the TRCA is required for "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". This is not considered to be applicable to the Project since the Project Area is not within the TRCA regulated area.
- The stormwater management plan for the discharge of water and waste water from the Caledonia Go Station site will be reviewed in accordance with TRCA requirements for their approval.
- Any dewatering activity will be outlined to the TRCA in the Environmental Management Plans for their review and comment.

#### 3.4 Municipalities

Metrolinx, as an agency of the Province of Ontario, is not subject to municipal permits and approvals however Metrolinx's policy is to adhere to the intent of the relevant permits and approvals requirements to the greatest extent possible, and to submit applications for review and information. The following municipal authorities have been identified that may be affected by the Project.

#### 3.4.1 City of Toronto

Metrolinx will continue to communicate and engage with the City of Toronto during the detailed design phase and construction planning for the Project to ensure that any municipal concerns are addressed to the greatest extent possible prior to commencement of construction activities. When and where possible, Metrolinx will engage with the municipality and adhere to their requirements. Metrolinx will submit the following items to the City of Toronto for their review and opportunity to comment:

- Building permits and planning approvals requests, e.g., Site Plan Approval for all the Caledonia GO Station above-grade building structures and facilities;
- Storm water management plans for the discharge of water and wastewater from the Caledonia GO Station site;
- Submittals for work within and/or adjacent to the existing City of Toronto right-of-way or Park land including Contractor Construction Permit applications; and
- Tree protection and removal/ injury plans relating to City of Toronto Ravine, Natural Feature Protection By-Law, Private Tree By-Law, Street Tree By-Law and Parks By-Law.

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Metrolinx is not bound by the City of Toronto zoning by-laws and as such does not have a requirement to apply for and obtain zoning amendments under Section 34 of the Planning Act, 1990. Metrolinx will however consult with the City of Toronto's planning policies and identify any impacts of the Project that would trigger zoning bylaw amendments or impact land use development. Metrolinx will comply with the City of Toronto's requests where reasonable.

Metrolinx will coordinate with municipal staff to ensure the development plans for new or expanded infrastructure is constructed to meet municipal requirements to the greatest extent possible. Any impacts to the City Right of Way and/or Park property will be identified to the City of Toronto and subject to the City of Toronto's approval process.

#### 3.4.2 Toronto Water Connection

Metrolinx will make a Municipal Service Application to Toronto Water for the connection of water and sewer service to the Caledonia GO Station Site. This application must be made in person and include a Site Service Plan showing the location of required site services and invert elevations for review by Toronto Water. The City of Toronto will complete a preconstruction inspection and site meeting with Metrolinx to finalize the installation of water and sewer service. Subsequent to the connection being installed, Metrolinx will request a Water Turn On from Toronto Water.

#### 3.5 Utilities

#### 3.5.1 Existing Utilities

Utility locates will be undertaken as part of the detailed design phase. Potential effects on utilities within the Caledonia GO Station site will be investigated as part of the detailed design phase and mitigation measures identified as appropriate. There are expected to be a number of utilities and utility owners within the rail corridor. These utility owners will be contacted and advised of the potential impacts and any utility conflicts due to the Project works. Implementation and construction obligations will be undertaken pursuant to the crossing agreements with each of the utility companies as required.

#### 3.5.2 Utility Connections

Metrolinx will submit Connection Applications to the required utility companies for the purposes of new service being provided to the Caledonia GO Station site. In addition to the service connections discussed in previous sections (hydro, gas, water, sewer) connections will also be required for other services including telephone and communications to the site.

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#### 3.6 Transit Corporations

#### 3.6.1 Toronto Transit Commission (TTC) Bus Services

Various safety, training and protocols will be established as required, with respect to the planned integration and connection of existing TTC bus services that will continue to operate and are planned to interchange at the Caledonia GO Station.

## 3.6.2 Eglinton Crosstown Light Rail Transit (ECLRT)

Various safety, training and protocols will be established as required, with respect to the planned integration and connection of the future Caledonia ECLRT Station that the Caledonia GO Station will connect with by way of pedestrian bridge.

#### 3.7 Rail Authorities

Various safety, training and protocols will be established, as required, in compliance with the rail authorities, with respect to the continued operation of existing freight rail that operates along the Barrie GO rail corridor.

#### 4.0 Conclusion

This report has identified a number of permits, approvals and agreements that are required for all phases of the Caledonia GO Station in order for the project to proceed. In addition to these requirements, there are a number of municipal and conservation authority conditions where although formal approval is not required, in the spirit of cooperation, where and when possible, Metrolinx will provide project information to the municipal and conservation authorities for their review and comment.

Metrolinx will continue to monitor conditions associated with the TPAP that may "trigger" requirements for permits or approvals and potential interest in the Project. In particular existing utilities and dewatering requirements will be investigated further during the detailed design stage of the Project.



## **Appendix A**

## **Caledonia GO Station Site Plan**

