

Hayley Berlin,
Project Officer,
EA Project Coordination Section
Environmental Assessment and Approvals Branch,
Ministry of the Environment

July 7, 2006

(By E-Mail)

Dear Ms. Berlin,

This letter is to formally advise that the members of the Weston Community Coalition, along with other representatives, will not agree that there has been proper public consultation in the development of the Terms of Reference for the combination Air-Rail Link/Georgetown GO expansion project. As a result, we are asking the ministry to appoint a mediator pursuant to article 6(5) of the act, to attempt to resolve issues between the parties.

As you know, this is a large and complex Environmental Assessment. GO Transit will be studying all possible alternatives for a transit link between Pearson Airport and Union Station. At the same time, and as a part of the same EA, GO will be studying the expansion of GO service along the Georgetown Corridor. Some of the infrastructure requirements along that corridor are only necessary if the transit link is built along that corridor.

GO Transit has therefore expanded the scope of the public consultation to include a geographic area from Eastern Mississauga, north into Brampton, east to approximately Yonge St, and south to Lake Ontario.

At issue between the Weston Community Coalition and GO Transit are:

- Who is being consulted with
- Poor Communications with participants (whether through incompetence or deliberate actions I do not know)
- Failure to respond to questions and concerns in the course of consultation
- Confusing and misleading statements both verbal and written
- Deliberately short timeframes for discussion and dialogue

Herewith is a fuller description of the events which have led us to make this request.

Structural Issues

GO Transit was asked by representatives of the community to form a Public Liaison Committee approximately 14 months ago. That request was initially rebuffed, but once the public notice of the study was published, we were advised that GO would be forming such a committee. However, the composition of this committee was a serious issue between the parties. GO Transit advised that they would be inviting public representatives from a wide geographic area, and specifically inviting representatives of the Toronto Board of Trade, the Toronto Tourism Commission, and the Toronto Hoteliers Association to be part of the Public Liaison Committee. Their representative expressed a wish to limit the numbers of public representatives at the table to 20 or less. Most of their invitees have never shown up. However, when other community representatives asked to be part of this committee, including councillors, school board trustees, and Historical Society representatives, they were refused. One of the reasons given was that Weston had too many participants already. However, the GO Expansion itself is only along the Weston subdivision, and it therefore makes sense that participation from Weston be heavier for that part of the study. In any event, the other invitees are not attending. The last meeting had 6 or 7 representatives of the public. The public gallery outnumbered the committee by a wide margin.

Communication Issues

A number of participants have complained on several occasions that they were not getting any notice of these meetings. One participant on the Committee was never invited to the 2nd meeting, found out about the third by accident and attended, re-advised them of her contact information at that meeting, and yet was again not contacted about the fourth meeting. The councillor for the York-South Weston Ward has had serious difficulty getting notices. Contact to several other members has been sporadic. As we are not in contact with the bulk of the public representatives who were originally invited, we have no way of knowing if their lack of attendance is a result of poor communications, but given the problems we are aware of it is likely that these problems continued.

Another problem is GO's insistence that members of the public get their information from a website. Weston and Mount Dennis are poor communities, generally, and a majority of the residents do not have ready access to the internet, nor can they download huge files and print them. When GO conducted the Public Information Centres at the end of June, we specifically asked in advance of those centres that copies of the draft terms of reference be given to the public at the meeting. We understood GO to be agreeing with that request. GO now denies they did. In any event, there were not enough copies to go around at the PIC. GO advised at the PIC that people could get copies from their website. When some members of the public complained that they did not have access, GO finally agreed to send copies to any member of the public who registered with them at the meeting. However, it was impossible for many at the meeting to comment on the Terms of Reference at the meeting, without the opportunity to see it. Not all registered, so not all will get to see the document. GO also has not made it easy to find the website. It was not published as part of the newspaper ad advising of the meetings, and the documents are not obvious on the site itself. It is not on the GO Transit website, and there is no link from that website to the project website, which has a long and difficult name (www.georgetownpearsonstudy.ca). Google searches using air-rail link, Union Pearson, or Blue 22 do not find this site. Finally, many of the documents on the website are enormous pdf files, of 6 megabytes for only 21 pages. Individuals with slow connections will have difficulty downloading these files, and those with slow computers will have difficulty seeing these files.

Process Issues

From the first meeting of the PLC, the suspicion of members of this committee was that it was pro forma, and that the plan was to avoid real consultation in this forum. At the very first meeting, I expressed serious concern that the process (which had scheduled only 4 hours for meetings of this Committee) would never actually permit any such consultation. The agendas have been very heavy on process issues and very light on actual consultation on the content of the terms of reference. The only issues discussed in any detail were the description of the project and the array of potential alternatives to be studied, and those were really only discussed at the 2nd and 3rd meetings. We were only given copies of a draft terms of reference 48 hours in advance of the 3rd meeting, but I managed to read it and prepare many comments and questions. When I asked to discuss the terms of reference in more detail at the third meeting (which was the last scheduled meeting), I was advised to put my issues in writing for a discussion at the 4th meeting. I did that. At the 4th meeting, their agenda was process issues only, and had no time for discussion by the group on the terms of reference. The agenda had also been shortened by ½ hour from what had been advertised. When I attempted to discuss the terms of reference and my written questions and comments, I was asked to limit it to my single most important issue. I was also advised that none of the project team could properly respond as they had never read my questions or comments, despite the fact that I had sent it a full three weeks in advance of the meeting. When I asked for an additional meeting of the PLC to discuss these questions and concerns, I was very clearly told no. I left the meeting being uncertain as to how or when or even if a discussion on these important matters will take place. We were only advised that there would be responses to the comments.

The Weston Public Information Centre was to solicit comments from the general public on the Terms of Reference. As mentioned before, GO failed to provide copies to all who attended. When this oversight was pointed out, they advised that it was available on the website, and after some prodding, that they would mail it to persons who had registered, who would then be able to comment after the fact, but would certainly not be able to ask any questions of the proponents in a public meeting. By fortune, and not design, the meeting ran long, and GO agreed to hold another PIC in Weston in September. The notice for that meeting on their website lists it as Thursday, September 13, 2006. Sept 13 is a Wednesday. In addition, they have advised us that the public only has until August 11 to comment on the Terms of Reference. The mailing of the Terms of Reference document will apparently contain instructions to that effect. This effectively nullifies the September PIC, as members of the public will not come to comment if they have been told the comment period is over.

The draft Terms of Reference document which was distributed at the meeting was changed from the 'preliminary draft' which was discussed by those of us on the PLC. We were scrambling at the PIC to try and figure out what had changed. We have asked on several occasions that the changes be identified in a document, but to date we have not had such a 'redlined' document for our perusal.

Quoting from the GeorgetownPearsonStudy website on the topic of public consultation –

"Public input is vital to the success of this study. The sharing of community perspectives strengthens the Individual Environmental Assessment process by helping the project team make the best recommendations.

The team understands that people want real opportunities to be heard and to influence the study and its outcome.

To help maximize public input, the project team commits to:

- Getting the word out — providing information to help foster discussion and promote meaningful participation;
- Creating reasonable access — providing structured (e.g., public meetings, workshops) and less formal opportunities (e.g., input by e-mail) that allow for widespread public involvement;
- Considering all input — assessing ideas on their merits, and respecting the diversity of views;
- Being accountable — sharing consultation summaries and project reports, and acknowledging receipt of all correspondence and written submissions;
- Acting with purpose — being clear about the intended outcome of a consultation opportunity and its role in the overall project and decision-making process;
- Promoting a cooperative consultation environment — demonstrating respect for open dialogue and due process;
- Maintaining project integrity — adhering to the requirements of the IEA process and ensuring an efficient approach that considers scheduling and financial realities."

It would appear that these words are not necessarily to be adhered to, particularly 'discussion', 'participation', and 'consultation'. We will not be having any discussion on our concerns about most of the Terms of Reference document itself, participation has been deliberately limited, and consultation seems to mean that we can make comments, but not enter into any meaningful dialogue on those comments.

We understand and accept that the process of 'consultation' with the public does not imply that the decisions about the terms of reference are made jointly. However, when one engages in consultation one expects a verbal dialogue, answers to questions, and acknowledgement that the comments are heard and understood. We have had precious little of that so far.

The track record so far does not bode well for the consultation process if and when the Terms of Reference are approved by your ministry and the actual study begins. GO has indicated that it intends to continue with a Public Liaison committee in that stage. I do not want to continue to participate in a sham. We therefore need your help to right this matter, and for that I believe we will need the services of a third party.

We therefore urge you to appoint a mediator now, before the Terms of Reference is finally submitted to the minister for her approval, in order to ensure that consultation as required by the act takes place on the Terms of Reference itself.

Please advise as soon as possible.

Mike Sullivan
Chair,
Weston Community Coalition