
3. The Role and Mandate of the Board of Toronto Harbour Commissioners

1. Background

The Royal Commission's report, *Persistence and Change: Waterfront Issues and the Board of Toronto Harbour Commissioners*, focused on a number of important issues related to the Toronto waterfront and the Toronto Harbour Commissioners (THC). Among the most vital:

- The THC is a federal port agency, but its authority does not derive from legislation governing Canada's system of ports and harbours nationally.

The THC is not subject to federal legislation, such as the *Financial Administration Act*, while other federal agencies and Crown corporations are required to adhere to such legislation as a basis for their financial accountability. Nor is the THC covered by federal environmental assessment legislation, while analogous provincial laws do not apply to the THC because it is a federal body.

- Notwithstanding the fact that the THC is a federal agency, the majority of its Board members are appointed by the Council of the City of Toronto; at the present time, all three City-appointed members of the THC's Board are Councillors of the City of Toronto. The fact that the THC can draw its Board members from amongst those of a municipal council makes it unique among the nine harbour commissions in Canada.
- The Board is far more than the harbour-minding agency that its name implies. The THC was established in 1911 not only in order to improve the facilities and operation of the Port of Toronto, but also in order to plan, develop, and manage the City's waterfront assets in the public interest.
- Since the Board was established in 1911, it has been responsible for lakefilling that has created some 1,000 hectares (2,500 acres) of waterfront land. Today, the THC's port and waterfront landholdings amount to about 485

hectares (1,200 acres). Some of the THC's current and former properties are vacant while others are significantly under-utilized. Certain portions, while used for transportation purposes, do not have a port function.

- At the same time, there is intense pressure for development in many parts of the City's waterfront, much of it for accommodating uses other than marine transportation. Industry, which is another traditional user of the waterfront, and a major creator of waterfront jobs, is also experiencing the effects of demands for waterfront space for other uses.

Despite a remarkable amount of change on the City's waterfront since the formation of the THC 78 years ago, some of the issues that prompted Parliament to establish it persist. Questions about accessibility, health and environment, the operation and needs of the Port, ownership and land use, and accountability continue to fuel debate about the present and future states of Toronto's waterfront. They are also ongoing central themes in the search for ways to best serve the public's interest in the use, enjoyment, and development of the waterfront.

2. The Hearings

In May and June 1989, the Royal Commission on the Future of the Toronto Waterfront held hearings on the role, mandate, and development plans of the Toronto Harbour Commissioners. Over the course of five days, the Commissioner heard a number of presentations, including that of the THC, on the issues of accessibility, health and environment, the Port, ownership and land use, and accountability.

The Royal Commission was also able to draw on the five reports submitted to it by the waterfront work groups, whose information and analyses covered some topics that touched, directly and indirectly, on the operations of the

THC. In addition, the comments made in the context of waterfront hearings on the Airport, waterfront health and environment issues, and Harbourfront provided the Royal Commission with insights about issues that are pertinent to the role, mandate, and development plans of the Toronto Harbour Commissioners.

A. Accessibility

At the turn of the century, there was a widely held view in Toronto, particularly within the business community, that the Port was not the gateway to the City that it had been intended to be. Lakeward access to the City was being affected both by the lack of modern port facilities and by the poor condition of those that existed in the harbour. Landward access, not just to the Port but to the entire waterfront, was hampered by the barrier of railway crossings at grade which, in some streets leading to the waterfront, were up to 16 tracks wide.

In submissions to this Commission, it was clear that resolution of accessibility problems was seen as a necessary first step to tackling other, even more serious, waterfront issues. Improvements in accessibility also mean, in effect, regaining the waterfront and its use for the City.

A consistent theme was the lack of easy access to areas such as the Leslie Street Spit, Tommy Thompson Park, and Cherry Beach, and many submissions cited the lack of public transit as a particular problem. Some deputants said that public transit must be improved for areas that are not well served, such as the Leslie Street Spit and Cherry Beach, where the nearest transit pick-up and drop-off points are distant and where, in the case of Cherry Beach, there is no weekend service.

There was considerable concern about the public's access to the waterfront or, to be more exact, to the water's edge. One of the major problems when the THC was formed was that Torontonians had lost access to the waterfront as a place

for recreation and enjoyment. In response to that concern, the Board's 1912 plan made provision for a significant amount of open space along the entire waterfront at the water's edge. Over time, however, unfettered access to the water's edge has not been seen as being consistent with safe and secure port and industrial use of the waterfront.

Moreover, the use of waterfront land as open space and for passive recreation constrained the THC's efforts to promote industrial development. The result was that, bit by bit over the years, public access to the water's edge was reduced as marine, industrial, and commercial users occupied more and more space there. The fact that public access was restricted was used to attract and keep industry on the waterfront.

With access a major issue in the Royal Commission's May hearings, it was suggested, among other ideas, that a seven-metre-wide strip along the water's edge be dedicated for public use, in order to secure the public's access to and enjoyment of the waterfront.

Several traffic-related issues were raised — for example, the ease with which industry is able to bring raw materials to plants on the waterfront and ship finished products out of the area. Concerns were expressed about congestion and gridlock on the roads and about the incompatibility of traffic for industrial purposes with such other potential uses of the waterfront as housing. There were references to the many parts of the waterfront that do not offer either pedestrians or cyclists a friendly or safe environment in which to travel.

Sailing clubs and recreational associations voiced concern about traffic in the Outer Harbour: increasing congestion and poor access to Lake Ontario from the Outer Harbour put board and small craft sailors at risk of colliding with larger, less manoeuvrable boats. One suggested solution was to cut a boat channel through the Leslie Street Spit. It was also pointed out that the presence of the THC's marina will

further complicate the already difficult traffic problems in the Outer Harbour.

B. Health and Environment

The Royal Commission's study, *Persistence and Change*, documented the influence environmental and health issues of the time had on the formation of the THC. In the days before World War I, there was a sense that the City was facing a public health crisis: industrial development, inadequate sewer systems, and years of dumping sewage into Ashbridge's Bay had created a stagnant body of water which, as the years passed, became a greater and greater health hazard.

At the same time, the location of facilities for handling City sewage and waste disposal was also an issue and, when the THC was formed in 1911, it was proposed that a waste disposal plant be located at the eastern end of Ashbridge's Bay. The THC opposed the idea because it felt the facility would inhibit its plans for exploiting the waterfront's industrial development potential.

However, the THC was unable to prevent the eventual construction of Toronto's main sewage treatment plant to the eastern end of what is now known as the Port Industrial District. Moreover, the City of Toronto built, and for many years operated, the Commissioner Street incinerator plant in the centre of the district. What both developments did, of course, was to reinforce the image of the waterfront as a dumping ground for the rest of the City.

Water, soil, and air quality issues were brought up in a number of submissions presented to the Royal Commission. Sailing clubs and recreational associations, particularly small craft sailors, expressed anxiety about the quality of water in the Outer Harbour. Boardsailors spend considerable lengths of time actually in the water and they are concerned not only about the short-term effects of doing so, but also about the

long-term health consequences of being immersed in the water of Toronto's harbour.

The issue of soil quality arose in connection with the THC's history of development in the Port Industrial District, and the fact that the many years of heavy industry in the area might have left waterfront soil that would not be able to meet current environmental standards. The Royal Commission was urged to have tests conducted on the soil in the Port Industrial District.

Questions about the quality of soil on the Leslie Street Spit were also raised; the Royal Commission was told that, until the 1960s, no quality standards were applied to lakefill materials. From then until the early 1970s, the so-called sight-and-smell test was used to identify contaminated materials that were about to be dumped on lakefill sites. The procedure, which was administered by THC staff who controlled access to lakefill sites, could hardly be called a test at all.

In the 1970s, the Toronto Harbour Commissioners did accept a federal-provincial standard that had been established for the open-water disposal of materials dredged from the bottom of such bodies as the harbour. The standard, which is still in effect, was not developed for materials that might come, for example, from building excavations, and refers only to contaminants that were thought to be important in the early 1970s. Since 1988, however, tests have been conducted on the actual excavations in which lakefill materials originate, but these tests are not carried out on a regular basis and are geographically limited to excavation sites south of Queen Street.

Air quality issues were raised in connection with industrial activities on the waterfront. The Royal Commission was told that a careful analysis and monitoring of local incinerators, industries, and the Hearn Generating Station — should it be returned to service — would help in

identifying toxic air emissions. It is hoped that such monitoring would go hand in hand with the elimination or, at least, the reduction of pollutants that are found.

The same monitoring should provide the basis for distinguishing those air emissions that are simply unpleasant or unsightly from those that are hazardous. One deputant made the point forcefully: industrial operations occasionally emit steam which, even though it may have an unpleasant odour, is harmless.

C. The Port

In the almost 80 years since the formation of the THC, three major milestones in marine transportation have had an effect on the Port of Toronto.

The opening of the Welland Canal made it possible and economical for larger ships, called "upper lakers", to ply the Great Lakes. The Canal opened at a point when the THC's first modernization of the Port was nearly complete; shipments into the Port of Toronto, particularly of coal, grain, and petroleum products, increased sharply and helped spur industrial development on the waterfront.

The opening of the St. Lawrence Seaway in 1959 permitted vessels to travel the length of the St. Lawrence–Great Lakes water system. The Seaway enabled foreign traffic to come right into the Port of Toronto and, at first, stimulated marine traffic there. But the initial gains were eroded in the 1970s and 1980s by several factors: more and more containers, increasingly off-loaded at the ports of Halifax and Montreal, came into use; vessel owners, out of financial necessity, insisted on faster vessel turnarounds; and, most recently, the increasing use of 4,000 TEU container vessels (twenty-foot equivalent units, a measure of ship size related to container capacity), which are simply too big to navigate the Seaway.

The Port suffered further losses of bulk cargo traffic in the 1980s when Ontario Hydro mothballed the Hearn Generating Station; as a result, the number of vessel calls

dropped from a high of 1,187 in 1967 to a low of 255 in 1985. In 1988, the Port of Toronto registered 315 vessel calls.

Policies of the federal government related to the cost of shipping by rail made such eastern Canadian ports as Montreal and Halifax attractive at the expense of Toronto and other inland ports: it was far less expensive for shippers to off-load and then transfer cargoes by rail than to sail up the St. Lawrence and into the Great Lakes basin. Toronto did not and, for the most part, could not, become a major player in the evolving structure of the Canadian and international marine transportation industry.

During the course of its hearings, the Royal Commission was told that the Port of Toronto is well managed by the Board of Toronto Harbour Commissioners. According to its own testimony, the Port currently handles a diverse range of cargoes, amounting to some 2 million tonnes (2.205 million tons) per year. Last year, some 1.7 million tonnes (1.874 million tons) of bulk cargo, such as soya beans, cement, and sugar cane, were handled by privately owned and managed terminals. THC-operated terminals handled approximately 300,000 tonnes (330,750 tons) of general cargo, most of it imported steel products.

The Royal Commission found that, at the same time, much of the Port's traffic stems from local markets and Port industries, such as cement production, soya bean processing, and sugar refining. With tonnage roughly equivalent to that of the Port of Goderich, west of Toronto, and a cargo mix equivalent to the Port of Trois-Rivières, Québec, Toronto is a regional port, serving specific local industries.

It seems that, even if new sources of traffic do materialize, there is little likelihood that the Port of Toronto will ever match its previous high traffic levels.

D. Ownership and Land Use

Public versus private ownership has long been an issue in any debate on the nature and direction of waterfront development in the City of Toronto. Its persistence as a matter of concern owes much to the equally long-standing belief that public ownership offers an effective means for ensuring a mix of land uses on the waterfront which would serve best the needs and interests of the public.

The formation of the THC in 1911 was an institutional solution to issues of ownership and land use: the operations of the Port and the development of the City's waterfront would involve the key players: the City, the federal government and, representing the business community, the Toronto Board of Trade. Federal legislation conferred broad powers on the THC "to acquire, expropriate, hold, sell, lease and otherwise dispose of such real estate ...as it may be deemed necessary or desirable for the development, improvement, maintenance and protection of the harbour".

Once formed, the THC moved with relative speed to produce a plan for developing the City's waterfront, what has come to be known as the 1912 plan. It was the basis for the THC's waterfront development planning until the release, in 1968, of *A Bold Concept for the Redevelopment of the Toronto Waterfront*, which, like its predecessor, projected massive land use development projects on the City's waterfront.

While different in a number of respects, both plans declared that the THC was committed to developing an area portrayed as underdeveloped and operating below land use potential, although suited for mixed uses, including industrial, commercial, and recreational activities.

In March 1988, the THC released a third document, *Discussion Paper: Port Industrial Area Concept Plan*; it, too, outlines a number of land use development possibilities for