

the waterfront. When it announced its public hearings, the Royal Commission invited comments on the Concept Plan and on the THC's earlier efforts to steer development on the City's waterfront. Indeed, the issue of appropriate land uses for the City's waterfront was a major topic of discussion at the hearings and it soon became clear that recent and potential development on the City's waterfront were a grave concern within the community.

Questions were raised about the THC's ability to plan for industry on the waterfront and some submissions suggested that waterfront industrial development planning might be better carried out by the City or Metropolitan Toronto governments.

A number of organizations and individuals came forward to make recommendations about the Outer Harbour and the Leslie Street Spit: sailing clubs and other recreational associations spoke of the potential of traffic and congestion when the Outer Harbour Marina opened and suggested that the size of the marina be decreased from the current 1,200 berths to 400 berths, or that the marina development be halted entirely.

One major landholder in the Port Industrial Area, Ontario Hydro, came forward to say that it remains committed to maintaining the Hearn Generating Station on the waterfront: while the station is not now used to generate power, and would take some time to recommission, Hydro sees it as part of its reserve generating capacity for the City of Toronto.

The Royal Commission also received advice on waterfront land use that is pertinent to the issues discussed at the hearings on the waterfront issues related to the Toronto Harbour Commissioners. The reports by the work groups on Parks, Pleasures, and Public Amenities and on Housing and Neighbourhoods described significant opportunities for expanding recreational land and housing uses on Toronto's waterfront.

Finally, it should be noted that, during the Royal Commission's hearings, deputants emphasized the importance of environmental quality when land use planning decisions are made for the Metro waterfront. The Commission was urged to initiate tests of waterfront lands, in order to identify which areas require remedial environmental clean-up and to establish the range of potential land uses compatible with conditions on specific sites.

E. Accountability

The call in 1911 to form a new harbour agency was at least partially in response to the concerns of various groups that no single body was accountable for operating and managing Toronto's Port and for developing Toronto's waterfront. Control over the Port and the waterfront was divided among a number of institutions, including City Council and a body called the Harbour Trust. None of the then-existing institutions could inspire the necessary confidence in its ability to serve the public's interest in the waterfront and to control development there. An entirely new body — a harbour commission — seemed to offer the greatest potential for developing Toronto's waterfront and Port, while providing local control and accountability.

In the course of its hearings, the Royal Commission heard a good deal about accountability: there are now more than 30 agencies of four levels of government — federal, provincial, Metro, and municipal — that have some greater or lesser authority over planning and development on Metro's waterfront. With so many agencies, efforts to co-ordinate planning and development there have frequently been unsuccessful. Local control and accountability are also affected by the presence of special-purpose agencies like the Toronto Harbour Commissioners, which are not directly answerable for their actions through any elected body.

Several deputants to the Royal Commission's May hearings were dissatisfied with the extent to which the THC is and has been accountable for its activities on the City's waterfront. Representatives from the two levels of government — municipal and federal — that appoint members to the THC's board noted that the actual amount of influence each has on the THC is limited.

The *Canada Gazette*, Part III, makes the Minister of Transport officially responsible for administering the *Toronto Harbour Commissioners Act, 1911*. But, according to testimony at the Commission hearings, the federal government's interest in the THC is limited to the way that body operates the Port of Toronto, and the only requirement under the act itself is that the THC submit an annual report to the Minister.

In the case of the relationship between the City and the THC, the oath of office, which must be sworn by all members of the Board of Toronto Harbour Commissioners, makes it difficult for members appointed by Toronto City Council to represent the interests of the City when those conflict with the interests of the THC.

Suggestions for improving accountability ranged from expanding the membership of the THC's Board to replacing it with a new agency.

The THC raised the issue of accountability at the June hearings of the Royal Commission. The THC's submission was silent on the issue of formal accountability; it chose instead to stress the extent to which, as part of its internal decision-making processes, the THC consults and builds consensus with groups and individuals who use the waterfront.

That was certainly not the impression left by submissions to the Royal Commission hearings on the Toronto Island Airport (which is managed and operated by the THC) in January, February, and June of this year; in fact, the Commission heard repeated complaints that the THC does

not consult adequately or appropriately with individuals and groups using waterfront facilities it controls: members of the general aviation community, such organizations as the Canadian Owners and Pilots Association and Harbourfront Residents' Association, and representatives of commercial operations at the Airport — all had the same criticisms.

The THC pointed out that, in discussions over the past 15 years, it has not been able to reach a consensus with the City of Toronto on the question of industrial land use on the waterfront. In fact, the THC has generally had a difficult working relationship with the City — disagreements about the marina development on the Leslie Street Spit being merely the most recent example.

3. Conclusions and Recommendations

The Royal Commission report, *Persistence and Change: Waterfront Issues and the Board of Toronto Harbour Commissioners*, makes it clear that a crucial point has been reached in developing a vision for Toronto's waterfront. The five days of hearings on the THC and its waterfront development plans served only to reinforce the recognition that important change is possible on the waterfront — but only if there is a coherent sense of the role of the waterfront in the life of Metro Toronto, and only if that change reflects a broadly based consensus that has been reached co-operatively amongst the myriad agencies and bodies with waterfront interests, after the fullest possible public consultation.

During the hearings, the Royal Commission was always conscious that its task is to co-ordinate views and build consensus on the future of Toronto's waterfront; certainly, the Commission has been aware that its very existence is an opportunity to bring together all interested parties to work out the fundamental elements of the waterfront's future. The conclusions and recommendations that follow — like all the

conclusions and recommendations in this report — are offered as part of that process.

A substantial mass of material about the THC and the Port of Toronto was made available to the Royal Commission, as the result of submissions made to it in public hearings and the research done by the Commission's staff in preparing *Persistence and Change*. Briefly:

The Port of Toronto is relatively modern, with facilities that have been upgraded regularly over the years, and it has the physical capacity to compete aggressively with other Great Lakes ports. The long-term reduction in traffic and the decline in the relative significance of the Port do not reflect either a lack of capacity or quality in Port facilities. Rather, changes in the commercial marine shipping industry have meant that it is no longer economic as a principal destination for shippers.

Recognizing that fact and scaling down plans and expectations accordingly will not detract from the importance of the Port for local purposes.

A commercial port will always be essential to certain industries, located on the waterfront and elsewhere, that receive raw materials and ship by water. Because most of these have their own terminal facilities and because related property holdings appear to satisfy future dockage requirements, there would seem to be no need to set aside substantial acreage for their commercial marine terminal operations.

At the same time, an industrial strategy for the Port and THC lands should give rise to new possibilities and opportunities for economic diversification in the City. Those lands would, in effect, become a showcase for future-oriented industries, operating on an environmentally sound basis, as Toronto heads into the 21st century.

That having been said, it must be emphasized that clear-cut priorities have to be established, to determine which industries needing Port facilities would strengthen

Metro's industrial base while enhancing Port activity. If an industry did not actually require Port terminal facilities, it might, nonetheless, appropriately be located in the Port — if, for example, it were water-related.

Given the public's concern about the quality of the environment, the THC lands could be used to encourage industries whose very operations or products are geared to environmental protection and improvement.

In speaking about waterfront industry it is important to distinguish between actual industries and those companies involved only in trans-shipping materials through the Port, for example, aggregate handling facilities that receive or store sand and gravel produced elsewhere. However important the aggregate business may be to the Port and to Toronto, it should not be confused with industries that employ skilled labour and that are so necessary to Metro's future.

The existence of more than 485 hectares (1,200 acres) of THC lands, and other under-utilized, publicly owned lands south of Front Street, makes it possible to consider other pressing needs, especially recreation and housing.

Any number of studies have shown that the denser the urban centre, the greater the need residents have for places that are green and peaceful, and that offer escape from noise, crowds, and pollution. Toronto's location on Lake Ontario makes water-related recreation possible, some of it on THC lands, whether at the Outer Harbour headland, Cherry Beach or the north shore of the Outer Harbour.

Boaters, strollers, bird-watchers, and bathers all make use of portions of these lands. The conflicts that have sprung up amongst them can be overcome with sensitive and sensible planning. Using Toronto's tradition as a diverse community, it is sensible to provide a wide variety of recreation experiences.

At the May hearings of the Royal Commission, there were many calls for more and better recreational facilities on the waterfront. Anticipating that the Royal Commission would recommend improvements in waterfront recreation, the THC proposed at the June hearings to lease to the City 44 hectares (109 acres) of land south of Unwin Avenue, including Cherry Beach, for 99 years at \$1 per year, the land to be used for park purposes.

But the need for better recreation is not the only problem: the lack of affordable housing is both well known and well documented. Just as Toronto must be concerned about the balance of industrial and service jobs, it must address the current imbalances in the types of housing and the price of housing in the community. Conventional wisdom suggests that, especially on the waterfront, housing and industry do not mix. Noise, traffic, dust, dirt, and odours are often cited as reasons for separating them, but that point of view assumes waterfront industry will always be noxious to the surrounding community; it overlooks examples of successful co-existence.

The point is that bringing the municipalities to the lake requires a great deal more flexibility and ingenuity than is shown by merely paving a sidewalk strip along the water's edge. People who work in waterfront industries must live somewhere and there is no reason why, with careful planning and the creation of buffers of light industrial, retail, and recreational uses, housing could not co-exist comfortably with waterfront industries.

Any discussion about housing, or about the waterfront generally, must be carried out against the backdrop of environmental concerns. The land in the Port of Toronto was created by dumping material into the harbour and lake, with very little attention being paid to the quality of the lakefill, or to its components. The recent rule that lakefill materials must conform to minimal guidelines developed almost 20 years ago does not ensure that fill is "clean": it simply

means that the fill has been tested for, and does not exceed, certain limits for specific pollutants that may be found in materials dredged from certain sites.

Over the years, industries that emitted noxious smells or that were noisy were encouraged to locate in the Port and adjacent lands; 24-hour operations, some of which involved unmonitored discharges into the air, water, and soil, probably exacerbated the contamination created by lakefill.

However, merely acknowledging the existence of pollution is not good enough and responsible industries are beginning to take steps to prevent environmental damage as the result of their operations. Still, an assessment of the quality of the air, water, and soil, and taking necessary remedial steps must occur before final decisions on land use are made; the standard applied to every proposed land or water use is that the project will measurably improve the environment on the waterfront.

Although the Board of Toronto Harbour Commissioners has a demonstrated ability to operate the Port (and any structural change should take that capability into account and work to strengthen it), the THC has not shown the same interest or skill in protecting the environment or planning and developing lands not directly related to the functioning of the Port. Moreover, it has resisted any attempts to make it accountable for the manner in which it exercises its planning and zoning powers, and has generally considered itself exempt from municipal, federal, and provincial environment legislation.

All of this has happened despite the fact that THC lands that do not serve the Port function are a far larger portion of the City's waterfront acreage than lands used for shipping purposes. Clearly, as a public agency, the THC has an obligation to submit any of its actions, whether they involve Port or non-Port land, to laws and regulations designed to protect and improve the environment.

On that basis, the Royal Commission makes the following recommendations.

1. The THC's responsibility, jurisdiction, and mandate to operate the Port of Toronto should be clearly separated from planning or development of lands that do not serve the Port function on the waterfront. The THC should retain its mandate to operate the Port of Toronto in and for the interests of the City of Toronto, but its jurisdiction should be limited to that task.
2. In addition to the proposed changes to the THC's mandate, there is a need for both greater local control of waterfront planning and a better system of accountability. These, too, will require amendments to the *Toronto Harbour Commissioners Act, 1911*. The Royal Commission will be making more specific recommendations in this regard.
3. The actual amount of land now needed to operate the Port, and the amount of land likely to be needed in the future, should be defined after further detailed analysis. This is a subject to which the Royal Commission will return in the second phase of its work.
4. A complete environmental evaluation of all THC lands should be undertaken immediately and should include tests of air, water, and soil quality to identify and measure contaminants. That evaluation, as well as development of new standards for material used as lakefill, should take place before any major decisions are made on the future of the Port and the lands adjacent to it.

Environmental awareness must be the basis for any action involving the future of the waterfront, in order to meet conditions of sustainable development which, along with a concerted effort to "green" the Toronto watershed, would mean a dramatic improvement in the quality of the air, water, and soil of the Port and the lands adjacent to it.

Fragmented activity by the various bodies and jurisdictions with interests on the waterfront will make it impossible to develop or implement a coherent strategy for "greening" the watershed. A regional, intergovernmental management framework, with a strong local base, is needed; each of the three waterfront municipalities must plan and approve its own developments, but must do so while recognizing the effects of its decisions on the others. Metro Toronto's waterfront itself has been, and always will be, the place where the effects of all upstream decisions in the watershed converge.

5. In order to facilitate the necessary degree of co-operation and co-ordination among jurisdictions with an interest in the future of the Toronto waterfront, the Royal Commission recommends that the THC lands and adjacent provincial lands in the Central Waterfront be pooled to permit the governments of Ontario and Canada to jointly sponsor an environmental evaluation of them. The Royal Commission recommends that, while it is being conducted, the Province use its powers under Section 3 of the *Planning Act, 1983* to declare a Provincial interest, covering the combined lands as well as the headwaters and river valleys of the Toronto watershed.

The recommended environmental evaluation should be seen in the context of the quality of environment and health in the entire region: from Carruthers Creek on the east, to the Credit River to the west, to the Oak Ridges moraine to the north, and the lake on the south. The elements of the watershed are as environmentally interdependent as they are economically linked and, as the report of the World Commission on Environment and Development makes clear, it is time to integrate environmental and economic concerns and initiatives.

The proposed evaluation should build on and extend the research and the recommendations made to the Royal Commission by the Environment and Health Work Group,

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and in keeping with the recommendations made in the next chapter of this report. Such an evaluation of the THC and provincial lands will be an important addition to two other studies currently under way, one of the Rouge River valley and the other of the Lower Don River.