

PROVINCE OF ONTARIO-REGIONAL MUNICIPALITY OF YORK
MEMORANDUM OF UNDERSTANDING (MOU) ON
TRANSIT-ORIENTED COMMUNITIES (TOC)

Context/Overview

The Province of Ontario (the “Province”) and the Regional Municipality of York (the “Region”) (collectively, the “Parties”) acknowledge that the Province intends to pursue an “Ontario-led Transit-Oriented Communities Program (TOCP)” for station sites, including those related to:

- GO Expansion; and,
- The four priority transit projects included in Ontario’s ‘*New Subway Transit Plan for the Greater Toronto Area (GTA)*’, namely:
 - The Ontario Line;
 - The three-stop Scarborough Subway;
 - The Yonge North Subway Extension (the “YNSE”); and,
 - The Eglinton Crosstown West Extension.

Hereafter, the priority transit projects featured in Ontario’s ‘*New Subway Transit Plan for the GTA*’ shall be referred to as the “Provincial Projects.”

The “Ontario-Led Transit-Oriented Communities Program (TOCP)” is defined as a program, spearheaded by the Province, which:

- Is focused on leveraging opportunities through which the private sector, in cooperation with public sector entities, would deliver some critical elements of station infrastructure, and would intensify development around proposed transit stations; and,
- Applies to the stations sites for GO Expansion and the Provincial Projects.

Moreover, aligned with the “*Shared Objectives*” outlined below, the aforementioned strategy is intended to generate the following outcomes:

- **Exchange of Value:** Creating new investment and revenue opportunities between the public and private sectors, where possible.
- **Increased Transit Ridership:** Developing transit-oriented communities, in which residents choose transit as their first mode of transportation.
- **Improved Customer Experience:** Enhancing station areas to make the interaction with the customer seamless (e.g., through creating desirable commerce and retail concourses, etc.).
- **City/Region Building:** Developing communities that provide residents and workers with new places to live, work and play.

To enable the implementation of the Ontario-Led TOCP:

- The Province recognizes that the Region – and the lower-tier municipalities comprising the Region to which the TOCP will apply – are critical partners in the successful delivery of transit-oriented communities (TOC) opportunities.
- The Province and the Region share the strong desire to appropriately integrate new transit facilities into development, and ensure due consideration for the compatibility with surrounding neighbourhoods, in order to realize the potential associated benefits accruing to each of the Parties and to the public.

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As such, the Province and the Region commit to ongoing, proactive and good faith collaboration in respect of the Ontario-Led TOCP, which, through this “Memorandum of Understanding (MOU) on Transit-Oriented Communities (TOC)”, is predicated upon the establishment of:

- A set of shared objectives that will guide the pursuit of TOC for GO Expansion and the YNSE; and,
- A formally-structured, principles-based process – with defined roles, responsibilities and activity-based timelines for each of the Parties – to deliver the TOC proposals for the YNSE.
 - Further details associated with the formally-structured process for YNSE articulated in this MOU on TOC will be developed collectively by the Parties, including in terms of the supporting governance and engagement framework.
 - While out of scope for this MOU on TOC, a formally-structured process to deliver TOC proposals for GO Expansion will be established separately by the Parties.
 - For those cases in which GO Expansion and the YNSE may intersect, the resulting station sites will be deemed to be part of the YNSE, and, by consequence, the formally-structured process appearing in this MOU on TOC will be applied *vis-à-vis* TOC proposals.

Furthermore, the Region commits to serving as the ‘one window’ for the Province, thereby directly coordinating with the lower-tier municipalities comprising the Region to which the TOCP will apply, in order to ensure that the applicable “*Shared Objectives*”, “*Formally-Structured Process – YNSE*” and “*Roles & Responsibilities Under Formally-Structure Process – YNSE*” reflected in this MOU on TOC are realized to the mutual benefit of the Parties. Therefore, the Region shall enter into a separate, formal arrangement (or arrangements) with the lower-tier municipalities comprising the Region to which TOCP will apply, for the express purpose of empowering the Region to coordinate on behalf of – and represent the interests of – these lower-tier municipalities during the formally-structured process delineated in this MOU on TOC.

Shared Objectives

Through the Ontario-Led TOCP for GO Expansion and the YNSE, the Province and the Region are jointly seeking TOC opportunities that will achieve the following objectives:

- The creation of complete and accessible communities, with employment and residential densities that support higher-order transit in a manner consistent with good land use planning and region-building principles;
- An increase in the housing supply, with a range and mix of types that are responsive to the specific context and nature of each unique TOC site, including affordable housing and other types;
- Growth in potential transit ridership and improvements/enhancements to the customer experience, as a result of direct access to rapid transit and connections to surface transit;

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- Increased transit access for residents to employment areas, while further supporting employment growth;
- An offset of the costs of building and/or operating transit; and,
- The coordinated delivery of GO Expansion and the YNSE with integrated TOC initiatives that result in an adherence to the committed project schedules, and that optimize the utilization of the resources of the Region and, as required, the lower-tier municipalities comprising the Region to which the TOCP will apply.

As previously indicated, the remainder of this MOU pertains to the formally-structured process – and associated roles and responsibilities of the Parties – to deliver provincial TOC proposals for the YNSE. A separate process will be designed and established by the Parties for provincial TOC proposals that apply to GO Expansion stations.

Formally-Structured Process – YNSE

As the proponent under the Ontario-Led TOCP, the Province will be responsible for the market solicitation processes regarding the new stations to be constructed. To this end, in all cases, the Province will:

- Spearhead negotiations with third parties related to prospective TOC; and,
- Act as the singular commercial interface with the third parties at the TOC sites.

As TOC proposals for the YNSE are developed, the Province will engage with the Region – and, as directly coordinated by the Region, the lower-tier municipalities of the Region through which the YNSE will be constructed (the “YNSE Municipalities”) – to:

- Ensure, as a first step, that the proposals will align with, and balance, the above-noted, mutually-shared objectives; and,
- Establish, as appropriate, the site-specific parameters that will serve as inputs to the market solicitation processes.

Subsequently, a formally-structured process for the Ontario-Led TOCP for the YNSE – with specified timelines defined for the various stages thereof – will ensue between the Parties, thereby allowing for:

- The ongoing sharing of information and documentation associated with the TOC proposals for the YNSE, prepared in a consistent fashion and on a site-specific basis;
- Review of, and comment on, the TOC proposals by the Region (and, as directly coordinated by the Region, the YNSE Municipalities); and,
- Input by the Region – and, as directly coordinated by the Region, the YNSE Municipalities – in relation to community amenities, which will be considered by the Province for inclusion in the TOC initiatives at the YNSE station sites.

Per this MOU on TOC, the formally-structured process in respect of the YNSE will reflect the following principles:

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- The Parties jointly acknowledge that prospective TOC will be dependent upon the specific parameters and context of each YNSE station site.
- Collaboration between the Parties during the process will:
 - Occur through a supporting governance and engagement framework to be designed by the Parties; and,
 - Involve (amongst other things) leveraging the expertise of each of the Parties, including in terms of technical considerations/requirements to the TOC proposals and YNSE station sites.
- Each TOC site will be treated by the Parties as a priority development to ensure that the committed YNSE project delivery schedules are met. To this end, during the process, the Parties will:
 - Agree to specified timelines for the various stages of the process, including those related to review and input;
 - Be responsive and accountable to the other Party, including through the timely sharing of information and documentation required, and by meeting reasonable standards of quality in the documentation provided; and,
 - Make best efforts, wherever possible, to eliminate uncertainty.
- Opportunities will be created during the process to seek and receive public input.

Roles & Responsibilities Under Formally-Structured Process – YNSE

Consistent with the principles outlined above, the Province and the Region jointly commit to fulfilling the following roles and responsibilities during the formally-structured process related to the review of, and input to, provincial TOC proposals for the YNSE:

Province of Ontario

The Province commits:

- To engage directly with the Region – which will serve as the ‘one window’ for the Province during the formally-structured process – in accordance with the supporting governance and engagement framework to be developed by the Parties.
- In respect of each TOC site for the YNSE, and at the relevant/applicable points in the process, to work with its third-party developer partners to provide to the Region all documentation required for review of, and input to, a provincial TOC proposal, including those details related to:
 - The site boundaries and associated properties;
 - The proposed mix of uses;
 - The site density;
 - The site plan and conceptual massing; and,
 - Other technical information/requirements.
- To ensure that the aforementioned documentation is provided to the Region in a timely fashion, and that reasonable standards of quality are satisfied by the Province and/or its third-party development partners (as applicable).
- To acknowledge comments submitted to the Province by the Region – and to engage the Region further on the input provided to the Province – including input

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related to existing municipal site plans, community amenities, and other applicable Provincial and municipal planning documents/policies.

- To ensure – in anticipation of potential increased servicing costs arising from TOC – the Region (and, as applicable, the YNSE Municipalities) continues (continue) to have appropriate access to funding tools to enable necessary improvements to hard services.
- To work with the relevant third parties/private sector developers to support like-for-like replacement or relocation, as applicable/appropriate, of municipal-owned infrastructure, in recognition that such assets may be affected during the implementation of TOC initiatives at or around the station sites.
- To work with the Region to seek and receive public input through an engagement process.

Regional Municipality of York

The Region commits:

- To serve as the ‘one window’ for the Province during the formally-structured process, including in respect of direct coordination with – and ensuring engagement of – the YNSE Municipalities, to fulfill the roles and responsibilities articulated hereafter.
- To engage with the Province in accordance with the supporting governance and engagement framework to be developed by the Parties.
- In a manner consistent with the specified timelines defined for the various stages of the formally-structured process:
 - To provide municipal review of, and comments on, the provincial TOC proposals; and,
 - To undertake and prioritize all applicable municipal-led permitting processes related to the provincial TOC proposals.
- To make available the appropriate municipal staff resources to manage:
 - All necessary municipal review of, and input to, the provincial TOC proposals; and,
 - All applicable municipal-led permitting processes related to the provincial TOC proposals.
- Following the process noted above – and at the first possible opportunity – to initiate any amendments that may be required to municipal Official Plan(s) and other applicable municipal planning documents/policies, to reflect changes to density and land uses for the identified TOC sites, as consistent with the provincial TOC proposals.
- To ensure coordination of the utility and service upgrades necessary to enable TOC, such that the committed delivery timelines for the YNSE can be achieved and the TOCP outcomes can be realized.
- To work with the Province to seek and receive public input through an engagement process.