

Sir Winston Churchill Park and the Nordheimer Ravine—Proposed DOLA

ProtectNatureTO¹ is an umbrella group advocating for the protection of wildlife and natural areas across the City of Toronto. Our group includes representatives from a number of Toronto-based nature and stewardship groups. We connect with other nature organizations, scientific experts and concerned individuals in Toronto and beyond.

A Dog Off-Leash Area (DOLA) may not be replaced on the previous site on top of the St. Clair Reservoir in Sir Winston Churchill Park because it violates provincial standards for safe drinking water. A new DOLA is proposed for a portion of the park which is designated ravine and is within 25 metres² of the Nordheimer Ravine Environmentally Significant Area (ESA). The western approach would be through the ESA itself.

ProtectNatureTO believes there should be no dog off-leash area within the designated ravine in Sir Winston Churchill Park. Our opposition is based on a careful review of existing policies and consideration of the negative environmental impacts. Since the proposal notes that all other parts of the park are ineligible, there should be no DOLA in Sir Winston Churchill Park.

The Parks By-Law 608-34- A (2) bans dogs from prohibited areas.³ No off-leash facility should be contemplated in an area which is prohibited to dogs.

Everybody values nature.⁴ Consequently, we have strong policies in place to protect it from harm.

Dogs in large numbers such as are found in cities are destructive of the nature we all love so much. They disturb wildlife⁵ and alter soil chemistry.⁶ When off-leash as so many dogs are, they trample vegetation,⁷ compact the soil,⁸ and spread invasive seeds.

¹ See web site <https://www.protectnatureto.org/about/>

² Estimated from Toronto Maps v2 http://map.toronto.ca/maps/map.jsp?app=TorontoMaps_v2 , as no scale is provided in the on-line materials

³ Parks By-Law 608-34-A (2) “While in a park, no person as owner or person having control of a dog shall:… Excluding person with a disability accompanied by a service animal, and a working dog providing a service to the City, allow the dog to enter a prohibited area;…where a prohibited area is defined to include “A. Natural or environmentally sensitive areas (including designated ravines, wooded or savannah areas, sites of natural or scientific interest, areas which have undergone significant habitat restoration, wetlands or their buffer zones).”

⁴ “Almost 93% of survey respondents reported that it is ‘very important’ that the City strives to protect Toronto’s natural areas, woodlands and ravines.” City of Toronto, Parks Plan 2013-17, page 33

⁵ *Four-legged friend or foe? Dog walking displaces native birds from natural areas.* Banks, P. & J. Bryant. <https://royalsocietypublishing.org/doi/full/10.1098/rsbl.2007.0374>

⁶ Soils in natural areas are low in nitrogen. Urine and feces are high in nitrogen. Even dogs on-leash on trails mark their territory, degrading the soil.

⁷ Damaging or killing the plants, contrary to By-law 608-6 (B)

Protective measures are embedded in planning policies, from legislation such as the Planning Act to the Provincial Policy Statement 2014 (PPS 2014) to the Official Plan of the City of Toronto.⁹ Consistent with these high-level policies is the Parks By-Law cited above.

The PPS 2014 mandates that the natural heritage shall be protected for the long term.¹⁰ This is unusually strong wording as many policies allow for municipal discretion through the Official Plan.¹¹ To aid municipalities in meeting their obligations, the province has produced a guideline, the Natural Heritage Reference Manual (NHRM, or Manual). The Manual provides the province's best technical advice for the protection of natural areas.

However, planning policies are so complex that key features may be overlooked in implementation. This is true even though many City policies such as the Parks By-Law already embed natural heritage protection.

Implementation Issues

Allowing dogs to run at large in some areas but not others creates a partial prohibition. Partial prohibitions are difficult to enforce, and the required extra resources are not forthcoming. Off-leash dogs generate many calls to 311. By-law staff are already too few. Providing off-leash facilities in City parks normalizes dogs running at large there. Owners generally respect manicured areas releasing their pets instead into natural areas, which are not protected by having off-leash areas in parks. Some owners are indifferent to the damage their pets cause in natural areas, but many are simply unaware, and the City lacks a robust education campaign to tell them. Dog owners often complain that existing off-leash facilities are small and crowded. The demand for off-leash facilities in Toronto exceeds any reasonable ability of the City to meet it.

⁸ Compaction squeezes the air from soil. The roots of most plants need to breathe this air. Exceptions are plants adapted to colonize disturbed soils. In southern Ontario many such plants are invasive. Invasive plants compromise biodiversity on two or three levels—by crowding out native plants, by starving the native insects that feed native birds, and by emitting allelopathogens toxic to the native mycorrhizal fungi that support native trees.

⁹ For example, "...city-building activities and changes to the built environment, including public works, will be environmentally friendly, based on:... sustaining, restoring and enhancing the health and integrity of the natural ecosystem, supporting bio-diversity in the City and targeting ecological improvements, paying particular attention to:... landforms, ravines, watercourses, wetlands..." City of Toronto Official Plan Policy 3.4.1 (b) (iv)

¹⁰ Provincial Policy Statement 2014 Section 2.1.1 "Natural features and areas shall be protected for the long term."

¹¹ Provincial Policy Statement 2014, Part III "...Some policies set out positive directives, such as "settlement areas shall be the focus of growth and development." Other policies set out limitations and prohibitions, such as "development and site alteration shall not be permitted." Other policies use enabling or supportive language, such as "should," "promote" and "encourage."

The choice of language is intended to distinguish between the types of policies and the nature of implementation. There is some discretion when applying a policy with enabling or supportive language in contrast to a policy with a directive, limitation or prohibition...."

People, Dogs and Parks—Off-Leash Policy

The off-leash dog policy contains some serious errors but also some provisions that, if understood, would improve the protection of the City's valuable and vulnerable natural areas. Extracts are discussed below.

-- Consideration must be given to balancing the needs and interests of the community, impact on the natural environment and sustainability of the off-leash area, when identifying appropriate locations for off-leash areas.—

This statement contains the most serious error. The natural environment must be protected for the long term. Activities must not compromise the integrity of the natural areas. This concept is addressed in the City's Official Plan.¹² It should be recognized in all City policies where the natural heritage may be affected. An emphasis on "balancing" natural heritage protection with other needs is too often equivalent to failing to protect.

-- The following criteria will be used in staff's review of the suitability:...

Proximity to residences and off-leash area exclusions--

Research shows that wildlife is disturbed within 50 metre of a dog.¹³ Anecdotal evidence from naturalists watching piping plover nests extends the range to 100 metres. The NHRM recommends 120 metres as the distance within which site alteration may have an indirect effect on adjacent natural features.¹⁴ The proposed location of the replacement DOLA suggests no consideration was given to proximity to the Nordheimer Ravine ESA. Moreover, given that any park with a DOLA becomes known as a "dog park" with detrimental effects to any natural heritage, no park which contains or is adjacent to a designated natural area should be a candidate for a DOLA. (The above analysis glosses over the detail that designated ravines in parks are already excluded areas.)

--The following criteria will be used in staff's review of the suitability:...

Potential impacts on the park's functionality, condition and natural environment--

The western approach to the proposed DOLA is from Nordheimer Ravine. This will encourage dog owners to release their pets in the ESA itself. The redirection of precipitation falling onto the proposed DOLA into a sewer may compromise groundwater flows to the ESA.¹⁵ These two factors combined with the proposed DOLA's proximity to the ESA suggest too little consideration was given to potential impacts on the natural environment.

¹² "...Activities (within ESAs) will be limited to those that are compatible with the preservation of the natural features and ecological functions attributed to the areas...." City of Toronto Official Plan Policy 3.4.13

¹³ *Four-legged friend or foe?* Op.cit.

¹⁴ NHRM Section 4.4.1

¹⁵ "...linkages between and among natural heritage features and areas...and ground water features. should be maintained, restored or, where possible, improved..." PPS 2014 Section 2.1.2

--Off-leash areas shall not be established within the following areas:

Natural Environment Areas • Areas protected by Municipal Code Chapter 658, Ravine and Natural Features Protection must be approved by Urban Forestry.--

This provision is inconsistent with the Parks By-Law, which already prohibits dogs from designated ravines in parks. There is no need to ask Urban Forestry or the TRCA to consider the impact of an activity which is already banned. Moreover, By-Law 658 only addresses direct effects from single proposals. Where the ravine is adjacent to a natural heritage feature, the effects of multiple and successive development or site alteration must be evaluated.¹⁶ To protect natural areas, both cumulative and indirect effects are to be considered.¹⁷

Conclusion

ProtectNatureTO believes the proposed site in Sir Winston Churchill Park is not a suitable location for a dog off-leash area, for the reasons given above.

¹⁶ Section 6 of the PPS 2014 defines negative impacts.

¹⁷ NHRM Section 13.5.2.7