



Construction & Design Alliance of Ontario

Tuesday June 15, 2021

Hon. Doug Ford  
Premier of Ontario  
Premier's Office. Room 281. Legislative Building, Queen's Park  
Toronto, ON. M7A 1A1

Sent via email

RE: Eglinton Crosstown LRT appeal

On behalf of the Construction and Design Alliance of Ontario (CDAO), I am writing to you regarding your announcement to appeal the recent decision by the Ontario Superior Court Justice Markus Koehnen with respect to his ruling that COVID-19 constitutes an emergency under the Eglinton Crosstown LRT agreement.

As you know, the CDAO represents 18 member associations that are involved in all aspects of infrastructure design and building throughout the province of Ontario. The collective membership base of the CDAO represents an all-encompassing perspective. Members of our associations are responsible for planning, designing, building, operating and maintaining the infrastructure not only in Ontario, but around the globe.

The CDAO was formed in 2010 to provide municipal and provincial governments and agencies a forum to seek input and advice from stakeholders whose shared vision is to ensure Ontario is a province of livable, marketable, sustainable communities and to ensure that Ontario is a province known for its leading-edge infrastructure and built environment projects.

It is with this in mind that the CDAO membership respectfully disagrees with the Metrolinx and Infrastructure Ontario decision to appeal Justice Koehnen's ruling.

We believe the best path forward for all Ontarians is to engage in meaningful dialogue with Crosslinx Transit Solutions to better understand and address the pandemic's impacts on the line's schedule and any related construction costs. By doing so, Metrolinx and Infrastructure Ontario will clearly demonstrate to the private sector respect for the court's decision and the acknowledgment that government partners must also abide by their contractual obligations.

The CDAO believes that this is paramount, in order to rebuild the trust that has been lost with the industry. It will communicate that the agencies involved are good stewards of the public's "purse strings" and have the best interest of Ontarians in mind by not wasting more money on an unnecessary court challenge.

Right from the onset of the COVID-19 pandemic, our members in the CDAO acted promptly and decisively to minimize disruptions and impacts particularly to large-scale infrastructure projects. The CDAO member associations worked expeditiously and collaboratively with construction's health and safety partners throughout Ontario to develop and implement new sector-specific COVID-19 Health and Safety protocols. Those guidance documents were approved by both labour and management and served as a blueprint for the development of the province's 170 sector-specific guidance resources used in other sectors.

By leveraging our networks to acquire the necessary PPE to protect our workers, we were also able to donate additional PPE and sanitizer to front line workers when supplies were desperately needed. This industry has been both a leader and an active partner in the province of Ontario. We demonstrated to other industries how quickly a motivated sector can pivot and adapt to the changing conditions in Ontario and these factors have been largely successful in minimizing the spread of the virus in our workplaces.

As an example, the construction industry immediately implemented additional health and safety parameters like staggering shifts and physical distancing between workers to the greatest extent possible to ensure that construction operations maintained a properly controlled work environment. When additional protocols were introduced on projects by our partners, we adhered to these through our on-site joint health and safety committees so as to meet the COVID-19 guidelines set by the Ministry of Labour, Skills, Training and Development. These were done at additional cost and resources to our members.

Even now, our members have been instrumental in setting up vaccination clinics in high-risk neighbourhoods throughout the GTA. The CDAO believes we have demonstrated that we are an industry that not only designs and builds Ontario, but cares deeply about everyone who works, lives and plays in this great province.

The efforts of our members demonstrate our sector's holistic commitment to the continued health and safety of this province and of the Metrolinx and Infrastructure Ontario Eglinton Crosstown project specifically. Fundamentally, ideologically and contractually the industry stood with the province throughout the pandemic to ensure that this project moved forward without delay, but there were costs incurred that should not be borne by Crosslinx Transit Solutions.

In closing, I implore you to accept the court's ruling and to collaboratively work with Crosslinx Transit Solutions to develop a path forward that provides all partners and stakeholders with the necessary financial means to complete the line while continuing to protect the health and safety of its workforce in these unprecedented times. By doing so, the province and its agencies will restore the confidence and trust with the broader infrastructure sector and ensure that the province's economic recovery efforts are successful.

Thank you for your consideration and I look forward to hearing from you at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Sandro Perruzza". The signature is written in a cursive, flowing style.

Sandro Perruzza  
Chair, Construction & Design Alliance of Ontario

Association of Consulting Engineering Companies Ontario <a href="http://www.acecontario.ca">www.acecontario.ca</a>	Association of Registered Interior Designers of Ontario <a href="http://www.arido.ca">www.arido.ca</a>	Concrete Ontario <a href="http://www.rmcao.org">www.rmcao.org</a>	Heavy Construction Association of Toronto <a href="http://www.hcat.ca">www.hcat.ca</a>
Link2Build <a href="http://www.link2build.ca">www.link2build.ca</a>	Mechanical Contractors Association of Ontario <a href="http://www.mcao.org">www.mcao.org</a>	Ontario Association of Architects <a href="http://www.oaa.on.ca">www.oaa.on.ca</a>	Ontario Association of Certified Engineering Technicians and Technologists <a href="http://www.oacett.org">www.oacett.org</a>
Ontario Association of Landscape Architects <a href="http://www.oala.ca">www.oala.ca</a>	Ontario Electrical League <a href="http://www.oel.org">www.oel.org</a>	Ontario General Contractors Association <a href="http://www.ogca.ca">www.ogca.ca</a>	Ontario Home Builders' Association <a href="http://www.ohba.ca">www.ohba.ca</a>
Ontario Road Builders' Association <a href="http://www.orba.org">www.orba.org</a>	Ontario Sewer & Watermain Construction Association <a href="http://www.oswca.org">www.oswca.org</a>	Ontario Society of Professional Engineers <a href="http://www.ospe.on.ca">www.ospe.on.ca</a>	Residential Construction Council of Ontario <a href="http://www.rescon.com">www.rescon.com</a>
Residential and Civil Construction Alliance of Ontario <a href="http://www.rccao.com">www.rccao.com</a>	Surety Association of Canada <a href="http://www.suretycanada.com">www.suretycanada.com</a>		

CC:

Hon. Laurie Scott, Minister of Infrastructure  
Hon. Caroline Mulroney, Minister of Transportation  
Mr. Michael Lindsay, CEO, Infrastructure Ontario  
Mr. Phil Verster, CEO, Metrolinx