

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

B E T W E E N:

CORPORATION OF THE CANADIAN CIVIL LIBERTIES ASSOCIATION
and LESTER BROWN

Applicants

and

TORONTO WATERFRONT REVITALIZATION CORPORATION, CITY OF
TORONTO, HER MAJESTY IN RIGHT OF ONTARIO as represented by the
MINISTER OF INFRASTRUCTURE, HER MAJESTY IN RIGHT OF
CANADA as represented by the MINISTER OF COMMUNITIES AND
INFRASTRUCTURE, AND THE ATTORNEY GENERAL OF CANADA

Respondents

APPLICATION under sections 2 and 6(1) and 6(2) of the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1, as amended, and sections 2, 7, 8 and 24 of the *Charter of Rights and Freedoms*.

**AFFIDAVIT OF LESTER BROWN
SWORN MAY 22, 2019**

I, LESTER BROWN, of the City of Toronto, MAKE OATH AND SAY:

Introduction

1. I am a Canadian citizen and a resident of Toronto. Since 1987, I have lived in the same condominium at 39 Parliament Street. The Quayside Project affects me directly. For 20 years, I have been active in local neighborhood associations, development committees, and educational initiatives. As a result, I have personal knowledge of the evidence in this affidavit.

2. I have reviewed the affidavit of Michael Bryant, sworn May 21, 2019. I adopt the definitions Mr. Bryant uses in his affidavit. I share Mr. Bryant's concerns regarding the adverse effects that Quayside Project risks having on privacy.

Community Involvement

3. From about 1987 until I retired in 2010, I worked as an auditor at the Canadian Revenue Agency. I am a trained accountant.

4. Since retiring, I continue to be involved in several community initiatives. My curriculum vitae detailing my work and volunteer experience is attached as **Exhibit "1"**.

5. I have been an active participant in Waterfront Toronto's development projects. I was a member of the development committees for the revitalization of Canada's Sugar Beach and Union Station. I reviewed applications and plans submitted by developers for the proposed redevelopment of each area.

6. One of the reasons I volunteer is to ensure that there is public accountability in the urban development process. I believe it is important that major urban developments be subject to grassroots-level input and citizen oversight from all affected communities.

Concerns with the Quayside Project

7. Through my involvement in community groups, and having reviewed the Quayside Agreements, I understand that the Quayside Project – as currently proposed – will involve the mass collection of personal data from individuals who live in, work, or visit Quayside.

8. I am not against the concept of smart city technologies to improve city services. However, based on what I have learned about the Quayside Project, I am left with two significant and troubling concerns. First, that I will not know when, where, how or who exactly is collecting private, personal information. Second, that I will not know - or even be able to learn - how, by whom or for how long my personal information is being used, once collected.

9. I have come to the sincere belief that the Quayside Project as is it currently framed would amount to a substantial intrusion upon my privacy and the privacy of my fellow community members. It would turn Quayside into an area with always-on surveillance, a corner of the City with a digital “Big Brother” always watching – which I would find chilling, discomfoting and unnerving.

10. My volunteer community work has brought me into contact with other Toronto residents who live in or near Quayside who share my concerns about the Quayside Project. My experience in the community leads me to believe that many others do as well.

11. During the last year, I have been involved in "Block Sidewalk". This initiative was started by a group of citizens who, like me, are concerned with the Quayside Project and who have become frustrated with the public engagement process.

12. On February 25, 2019, Block Sidewalk launched a campaign, calling for a re-set of the Quayside project. Block Sidewalk's mission and principles are described on its website, www.blocksidewalk.ca, in this way:

Torontonians should be in charge of deciding our future. These decisions should be made together through fair, democratic, inclusive, transparent and accountable processes. That the public interest isn't and can't be served when decisions are made in secret, in back rooms, behind closed doors, and without public input. That since the day Waterfront Toronto issued the Request For Proposals that ultimately brought us Sidewalk Labs, Torontonians have not led the planning for Quayside and the Port Lands: instead we have been misled. Block Sidewalk is about taking back control of our city and its future. It's about all of us. It's about democracy.

...

No one in Toronto asked for a smart neighbourhood or a test-bed. If residents want one, they should use a democratic process to set the rules and make sure policies are in place prior to moving ahead.

Toronto's tech sector is booming, and will continue to do so with or without Sidewalk Labs. Economic development policy and how to manage its impacts on residents is for the city to decide, not Alphabet Inc.

13. I have been advised by Bianca Wylie, one of the founders of the Block Sidewalk campaign, that Block Sidewalk now has approximately 739 members.

This Proceeding

14. I have no financial interest in the outcome of this proceeding. My involvement is based only on my concerns about the manner in which the Quayside Project was commenced and is being conducted (I share the concerns about the project expressed by Block Sidewalk in its mission statement, including the absence of a democratic process), the lack of appropriate governance, and for my privacy rights and interests and the privacy rights and interests of my community.

SWORN BEFORE ME at the City of
Toronto, in the Province of Ontario on May
22, 2019



Commissioner for Taking Affidavits
(or as may be)



LESTER BROWN

Karl Douglas Hopland, a Commissioner, etc.,
Province of Ontario, while a Student-at-Law.
Expires May 3, 2020.

RCP-E 4D (July 1, 2007)

This is Exhibit "1" referred to in the Affidavit of Lester Brown
sworn May 22, 2019



Commissioner for Taking Affidavits (or as may be)

Lester Brown
1103 - 39 Parliament St.
Toronto, ON
M5A 4R2
Phone(cell): 647-403-4052
e-mail: lbrown53@bell.net

Work History

1987 - 1997

Business Auditor with Canada Revenue Agency
Toronto North Tax Services Office
5001 Yonge St. Toronto, ON

1997 - September 2005

Appeals Officer with Canada Revenue Agency
Toronto North Tax Services Office
5001 Yonge St. Toronto, ON

September 2005 - January 2006

International Tax Auditor with Canada Revenue Agency
Toronto North Tax Services Office
5001 Yonge St. Toronto, ON

January 2006 to May 2010

Tax Avoidance Auditor with Canada Revenue Agency
Toronto Centre Tax Services Office
1 Front St. Toronto, ON

Education

1977 to 1980

University of New Brunswick
Fredericton, New Brunswick
Completed Bachelor of Business Administration (BBA)
Major in Business and Economics

1980 to 1985

Certified General Accounting
Completed CGA requirements and admitted to CGA(NB) in 1985

Community Involvement

Gooderham & Worts Neighbourhood Association (GWNA) Inc.

2001 - 2003

2005 - 2007

2010 - 2012

President

A neighbourhood association that represents the residents of the Distillery District.

The District News

2012 – 2014

Editor

The communication arm of the Gooderham and Worts Neighbourhood Association.

South East Downtown Economic Redevelopment Initiative (SEDERI) Inc.

2001 – 2005

Treasurer

SEDERI was an umbrella group made up of the St. Lawrence BIA, several neighbourhood associations, heritage groups and development organizations

SEDERI obtained funding helped design street signs and heritage lamps, worked on branding the area as Old Town Toronto, developed initiatives like the upstairs kitchen at St. Lawrence Market, a redesign of the North Market, streetscaping, and were consulted on street furniture for the area.

2005 – 2007

President

West Don Land Committee

2001 – 2007

Member of West Don Lands Committee

A committee organized to ensure community engagement in development of the West Don Lands (formerly the Ataratiri Lands). It consisted of stakeholders from various communities and organizations that would be impacted by this project.

MTCC – 1299 (Parliament Square) Condominium Board

2013 -2017

President of the Condominium Corporation

2002 – 2018

Director of the Condominium Corporation

Life Institute (Continuing Education Courses)

2012 –

Moderated various courses at this continuing education institute regarding City issues from Emerging Cities to current municipal issues. Regent Park redevelopment, the Waterfront, transit, planning, etc. All are discussed in these classes. Each course consisted of usually 8 to 10 classes of 2 hours each.

Other Committees

Community Police Liaison Committee (CPLC) 51 Division -2003 to 2006

Union Station Redevelopment Advisory Committee - 2008 -2011

First Parliament Site Working Group - Current

Community Design Jury for Sugar Beach

Neighbourhood Initiatives for the Drug Strategy -2005 - 2006

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Court File No. 211/19

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PROCEEDING COMMENCED AT
TORONTO

**AFFIDAVIT OF LESTER BROWN
SWORN MAY 22, 2019**

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