

Water and Sewer Servicing Agreement

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The Works Committee recommends the adoption of the following report (November 10, 1999) from the Commissioner of Works and Emergency Services:

Purpose:

The purpose of this report is to request authority to negotiate and enter into an agreement with the Regional Municipality of York, City of Vaughan and the Minglehaze Investors Inc. for the City of Toronto to provide water and sewer services to the proposed development at the north east corner of Martin Grove Road and Steeles Avenue West.

Financial Implications and Impact Statement:

There are no direct funding implications arising from this report.

Recommendation:

It is recommended that staff be authorized to negotiate and if negotiations are successful, to enter into a servicing agreement with the Regional Municipality of York, City of Vaughan and the Minglehaze Investors Inc., subject to the terms and conditions stated in this report being met by Minglehaze and on terms satisfactory to the Commissioner of Works and Emergency Services and in a form satisfactory to the City Solicitor.

Background:

Staff are in receipt of a communication from the Regional Municipality of York (Region of York) respecting a direction to its regional staff to proceed with negotiation of a servicing agreement with the City of Toronto (City) for a proposed development located immediately north of Steeles Avenue West in the district of Etobicoke.

At its meeting on June 14, 1999, the Council of the Region of York adopted, without amendment, Clause No. 2, Report No. 7 of its Regional Planning Committee, which contains the following recommendations:

“(1) The Regional Municipality of York give notice of its intent to modify and approve Amendment No. 503 to the Official Plan of the Vaughan Planning Area (File:19-OP-1500-503) as follows:

(a) Section IV, Sub-section 3.2, Land Use, p.5, is modified by adding a new clause (iv) as follows:

- (iv) to ensure that existing concentration of methane gas discovered within the subject lands are safely and appropriately vented from under constructed buildings, the owner shall agree in the site plan agreement to implement all recommendations outlined in the “Geotechnical and Geoenvironmental Investigation” completed by Trow Consulting Engineers Ltd., dated January 30, 1998.”; and

“(2) Regional staff be authorized to enter into a servicing agreement with the City of Toronto.”

The purpose of Amendment No. 503 is to permit an industrial/commercial development on a triangular piece of land of about 8.175 ha in size, bounded by a CN railway track to the north, Steeles Avenue West to the south and City of Toronto’s Thackeray Landfill Site to the east (both the development site and the Thackeray Landfill Site are located in the Region of York). The development, proposed by Minglehaze Investors Inc., will consist of four commercial/industrial buildings totalling about 281,000 square feet.

Due to the physical barrier of the CN railway track, the City of Vaughan and Region of York are unable to provide water and sewer services. The developer has requested the Region of York to negotiate a servicing agreement with the City of Toronto to provide those services in accordance with a servicing study report prepared in March 1999 by Stantec Consulting Ltd. The servicing report indicates that the development will generate a peak sanitary flow of 18.30 L/s and an average flow of 4.2 L/s. With an allowable infiltration flow of 2.29 L/s, the resultant peak flow will be 20.59 L/s and the average flow will be 6.49 L/s. It also shows the need for a maximum day plus fire flow rate of 89.6 L/s at 140kPa for water supply.

The current City of Toronto Act allows the City to enter into a contract with a Regional Municipality to supply water and to receive and dispose of sewage for that municipality. The City has in the past provided water and sewer service to lands in neighbouring municipalities when such lands were beyond the physical boundary where services could be provided readily and cost efficiently by the neighbouring municipality in which the site is located. An example of this in the Region of York is the Agreements dated April 10 and April 21, 1986, between the Region of York, former Metropolitan Toronto, former City of Etobicoke and the City of Vaughan in which the former Metro agreed to receive sanitary sewage and to provide water services to a development to the west of the subject Minglehaze site. The City has also received such services under similar circumstances. An example of this is the sewage from an area in the southwestern portion of the City that drains to the Lakeview Treatment Plant in the Region of Peel.

Due to the proximity of the site to the former Thackeray Landfill Site, a number of geotechnical/environmental investigations have been conducted by the developer’s consultants, one of which, conducted by Trow Consulting Engineers Ltd., as quoted in Clause No. 2, Report No. 7 of York Regional Planning Committee, noted that methane gas was detected at the site. Trow made a number of recommendations regarding construction including:

- (i) only slab-on-grade construction (no basement);

- (ii) a passive stone layer with perforated collection pipes under building floor slabs, vented to the atmosphere;
- (iii) deep venting wells extending down to the sand fill layer and vented to the atmosphere using wind turbine or other device;
- (iv) construction workers be equipped with gas monitoring and warning devices when working inside caisson holes; and
- (v) combustible gas monitoring be completed for one winter after construction to confirm the effectiveness of the venting system.

In its review to redesignate the subject land from "Public Open Space and Buffer Area" under the Parkway Belt West Plan to "Prestige Area" to permit the proposed development, the Region of York Planning Department retained Totten Sims Hubicki Associates to undertake a peer review of the Trow study and all the background information.

Presently, the Solid Waste Management Services Division is soliciting proposals for the utilization of landfill gas at the Thackeray Landfill Site. Opportunities of supplying energy from the potential landfill gas utilization project to the proposed buildings will be investigated.

Comments:

With respect to issues of development in the proximity to a closed landfill, the Region of York's consultant, Sims Totten Hubicki, has concluded that there is no reason why the proposed development should not proceed. The Region of York, in approving Amendment 503 to allow the proposed development to proceed, requires the owner to implement all the recommendations (listed above) made by Trow.

Staff of this Department concur with the requirements imposed on the proposed development by the Region of York. To protect the interest of the Department and that of the City, staff are of the opinion that the following requirements with respect to the environmental condition of the land should be considered:

- (i) the subject development property shall be registered on title releasing the City from any suits, claims, demands, damages and actions;
- (ii) the owner and subsequent purchasers of the property shall not oppose any future development of the Thackeray Landfill Site including but not limited to any form of landfill gas utilization project; and
- (iii) the owner shall inform the occupants of the buildings with respect to the existence of the landfill site and the potential and near future development of the landfill gas energy project.

The Planning Division of the Urban Planning and Development Services Department has reviewed the proposed development and has no objections. As the proposed development consists of prestige industrial/commercial uses and is set back from Steeles Avenue, with appropriate landscape buffering, it should have minimal impact on the residential uses located on the south side of Steeles Avenue in the City of Toronto.

With respect to the sanitary sewer and water servicing issues, staff of this Department have reviewed the servicing study report dated March 1999 prepared by Stantec Consulting Ltd. which indicated that domestic water supply for the subject development area can be provided through the Etobicoke district local distribution system, and that the Etobicoke district sanitary sewer capacity is adequate for dry weather flow but requires confirmation via flow monitoring results of wet weather capacity.

Staff of the Department have determined that subject to further confirmation of wet weather flow, the receiving Humber Sanitary Trunk Sewer has adequate capacity to accommodate the increase in sanitary flow resulting from the proposed development.

There is a need for Minglehaze to submit a wet weather flow monitoring study report for review by the Department in order that the Department can be satisfied that wet weather flow would not pose significant impact on the local and trunk sanitary sewers.

As conditions of receiving sanitary sewer and water services from the City, Minglehaze and subsequent owners of the property will be required to comply with the City's water efficiency measures and Sewer Use By-law with respect to discharge limits and stormwater run-off quality. Minglehaze and subsequent owners are also required to pay the City for the supply of water and sanitary sewer servicing at rates in accordance with by-laws enacted by the City amended as required at the recommendation of the Finance Department.

The Transportation Services Division requires that a traffic impact study be conducted so that it would be able to review the issues related to access on Steeles Avenue West. There is a need for Minglehaze to submit a traffic impact study report in order that the Department can be satisfied that there would be no adverse traffic access impact on Steeles Avenue West.

Minglehaze has been requested to conduct the wet weather flow monitoring and the traffic impact study and submit the results for review.

We have contacted staff of the Region of York to determine if there are any other servicing needs similar to Minglehaze in the foreseeable future. We were advised that they are unable to determine at this time if any such servicing needs will be required from the City.

Conclusions:

The proposed development is on the fringe boundary of the City and Region of York and is consistent with the provincial and Toronto planning policies, which encourage in-fill developments in compact urban areas.

Due to its physical location, it is not economically viable for the Region of York and City of Vaughan to provide water and sewer services to the proposed development. The City can provide the water supply and sanitary sewerage services, subject to the confirmation of the impact of wet weather flow on the sewer capacity.

The proposed development, being adjacent to the Thackeray Landfill Site, could be a potential customer for the landfill gas utilization project that is currently being considered by this Department.

The servicing agreement shall be conditional on the following conditions (in addition to those imposed by the Region of York) being satisfied by Minglehaze:

- (i) a traffic impact study report be submitted for review by the Department and that the Department is satisfied that there will be no adverse traffic access impact on Steeles Avenue West;
- (ii) a wet weather flow monitoring study report be submitted for review by the Department and that the Department is satisfied that wet weather flow would have no significant impact on the local and trunk sanitary sewers;
- (iii) the subject development property shall be registered on title releasing the City of Toronto from any suits, claims, demands, damages and actions;
- (iv) the owner and subsequent purchasers of the property shall not oppose the future development of the Thackeray Landfill Site including but not limited to any form of landfill gas utilization project;
- (v) the owner shall inform the occupants of the buildings with respect to the existence of the City-owned landfill site and the (proposed) development of the landfill gas energy project;
- (vi) the owner and subsequent owners of the property shall comply with the City's Sewer Use By-law and water efficiency measures; and
- (vii) the owner and subsequent owners of the property shall pay the City for the supply of water and sanitary sewer services in accordance with by-laws enacted by the City Council.

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