



**STAFF REPORT
ACTION REQUIRED**

**St. Michael's Hospital – Expansion of Tunnel
Connecting 26 and 38 Shuter Street**

Date:	August 23, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale - Ward 27
Reference Number:	Te07057te.row

SUMMARY

This staff report is regarding a matter which the Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed an application on behalf of St Michael's Hospital proposing the reconstruction, expansion and maintenance of an existing underground tunnel on Victoria Street Lane connecting 26 and 38 Shuter Street which encroaches the public right of way. Given that the proposed work does not impact negatively on the public right of way, Transportation Services recommends approval of the encroachment.

There is an additional tunnel servicing St. Michael's Hospital which crosses Shuter Street connecting 30 Bond Street to 38 Shuter Street. There is an encroachment agreement for this tunnel, however, it is not registered on title. It is therefore recommended that St. Michael's Hospital enter into a new encroachment agreement incorporating all tunnels under one agreement and register the agreement on title.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the request to reconstruct and expand the underground tunnel crossing Victoria Street Lane connecting 26 and 38 Shuter Street from a height of approximately 2.75 m to 3.8 m with a remaining clearance of 0.5 m from the surface of the paved roadway, subject to St Michael's Hospital entering into a

new encroachment agreement with the City of Toronto for this tunnel and the tunnel crossing Shuter Street connecting 30 Bond Street to 38 Shuter Street, agreeing to but not limited to the following:

- a. indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the Deputy City Manager and Chief Financial Officer and in the amount not less than \$2,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
 - b. design, construct and maintain both tunnels as necessary at their own expense in good repair and in a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachments beyond what is allowed in terms of the Agreement;
 - c. design and construct the expanded Victoria Street Lane tunnel to comply with the Canadian Highway Bridge Design Code (CAN/CSA) for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors;
 - d. pay for the costs of preparing the Agreement and the registration Agreement on title;
 - e. pay an annual fee as set out in Municipal Code Chapter 441, Appendix C, Schedule 2, Item 13;
 - f. obtain approval for associated work on private property from the Toronto Building Division;
 - g. provide “as constructed” drawings within 90 days of completing the construction of the underground tunnel; and
 - h. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the new owner, in the event of sale or transfer of the property abutting the tunnels, subject to the approval of the General Manager of Transportation Services; and
 3. request Legal Services to prepare, execute and arrange to register the Encroachment Agreement on title.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

The applicant, on behalf of St Michael's Hospital, submitted a request for permission to expand the height of the existing tunnel underneath Victoria Street Lane connecting 26 and 38 Shuter Street. Currently, the tunnel is approximately 2.75 m. The proposed expansion height of 3.8 m would bring the tunnel to the minimum clearance requirement of 0.5 m below the paved surface of the lane. The reason for the request is that the expansion would make the tunnel more accessible and appropriate for its original intended use, connecting public program spaces on either side of the lane.

A watermain is located within the area of the tunnel, preventing the tunnel to be expanded in width or depth.

The tunnel connecting 26 and 38 Shuter Street underneath Victoria Street Lane is under an areaway agreement executed April 23, 1951. The tunnel connecting 30 Bond Street to 38 Shuter Street is under an areaway agreement executed December 19, 1955. Neither tunnel is currently registered on title.

COMMENTS

Applicable regulation

The construction and maintenance of the tunnel encroachment can be considered under Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, which requires Transportation Services to report on the application to Toronto and East York Community Council.

Reasons for approval

Transportation Services has received clearances from all applicable utilities. Staff reviewed the application and determined that the proposed expansion and maintenance of the tunnel will not impact negatively on the public right of way.

Details of the tunnel encroachments are on file with Transportation Services.

CONTACT

Ken McGuire, Supervisor, Right of Way Management
Telephone: 416-392-7894, Fax: 416-392-7465, E-mail: kmcguire@toronto.ca

SIGNATURE

Angie Antoniou
Manager, Right of Way Management

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