



Anna Klnastowski, B.A., LL.B.  
City Solicitor  
Legal Services  
Metro Hall, 26th Floor, Stn. 1260  
55 John Street  
Toronto, ON M5V 3C6  
Tel. 416-392-8047  
Fax 416-397-5624

Reply To: Christine Zablocki  
Tel: (416) 397-5842  
Fax: (416) 397-5624  
E-Mail: czabinc@toronto.ca

File No.

December 1, 2006

**Via Facsimile (905) 763-1439**

Robert E. Jarvis, Q. C.  
Barrister and Solicitor  
105 Confederation Way  
Thornhill, Ontario  
L3T 5R4

Dear Mr. Jarvis:

**Re: Request to Relocate Water Services for 9R Baldwin Street, Toronto, to the Public Lane Located Along the South Side of 9R Baldwin Street  
Your Client: First Canadian Title**

This will serve to confirm your client's request submitted to Toronto Water for the City's approval to relocate, what has been described by you as, the water service for 9R Baldwin Street. The water is presently and has historically been supplied privately through the property owned by Mr. and Mrs. Concepcions at 9 Baldwin Street. Your client wishes to relocate this water to the City owned public lane running west off McCaul Street adjacent to the south side of the building located at 9R Baldwin Street. We understand that a private easement has never been secured by the necessary parties to ensure the continued private water service supply to 9R Baldwin Street.

Further to the several communications related to this matter between yourself, Christine Zablocki, Toronto Water staff and Mr. Fabian Papa, of Valdor Engineering Inc., the engineer retained by your client, this will confirm that careful consideration and attention has been given to your client's request. Regrettably, however, as communicated to you during your telephone discussion on November 7, 2006 with Ms. Zablocki, for a variety of reasons, the City is not able to accommodate the request for a relocation of the water service to the public lane.

As you know, there has never been a water main in the laneway and the City has no intention to construct one now. Typically, the function of a laneway is to provide vehicular access to garages only for buildings which already have public street frontage. Municipal services such as water

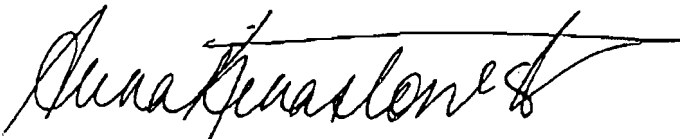
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are usually provided from the public street frontage of the building. There is generally no municipal infrastructure in public lanes other than lighting and lane drainage as it is extremely difficult to fit the entire underground infrastructure (public and private) in the narrow confines of a lane. There are MOE requirements for minimum separation distances between water mains and sewers as well as safety regulation and minimum separation distance requirements between hydro, gas and water main infrastructure. The cost of servicing and maintaining public and private utility infrastructure in lanes is also much higher. In addition, there is an increased liability and disruption problem associated with servicing and maintaining lanes. For example, if a lane is the only access to a house or building, it would be impossible to provide the necessary maintenance and reconstruction of underground infrastructure without jeopardizing emergency vehicle access.

Toronto Water technical and engineering staff have advised us that they have reviewed Mr. Papa's submissions and disagree with his contention that "there is sufficient room within the public lane to accommodate a water service connecting the building at 9R Baldwin Street to the local water main on McCaul Street...." As has been previously explained, Toronto Water is very concerned about the narrowness of the lane in question which serves not only as an impediment to the proposed installation because of the inherent physical limitations but also the associated health and safety risks with installation, servicing and maintenance. It should be noted that the subject laneway is only 4.03 metres at its widest point. Aside from the concerns noted above, there are unacceptable financial and legal liability concerns from the City's perspective associated with your client's proposal. Lastly, as you have been advised, the proposed installation is in contradiction to the City's current Development Infrastructure Policy and Standards and City Council direction not to permit construction of buildings, including related infrastructure, in existing laneways, except for special circumstances, which are not applicable in this case.

For these reasons, your client's request is denied. Should you have any further questions related to this matter, please contact Ms. Zablocki directly.

Yours truly,



Anna Kinastowski  
City Solicitor

- c. Michael D'Andrea, Toronto Water, Director, Water Infrastructure Management  
Patrick Cheung, Toronto Water, Senior Engineer, Water Infrastructure Management  
Christine A. Zablocki, Solicitor, Municipal Law Section