



**STAFF REPORT  
ACTION REQUIRED**

**Servicing Agreement – 2 Kilbarry Place**

<b>Date:</b>	June 25, 2008
<b>To:</b>	Toronto East York Community Council
<b>From:</b>	Director of Water Infrastructure Management, Toronto Water
<b>Wards:</b>	22
<b>Reference Number:</b>	

**SUMMARY**

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The purpose of this report is to obtain Community Council's authority to negotiate and enter into a Servicing Agreement with the owner of 2 Kilbarry Place to permit the owner to carry out the necessary works on City property to the satisfaction of the General Manager, Toronto Water.

The owner of 2 Kilbarry Place has requested permission to relocate and lower the City's sanitary sewer, storm sewer and service connections on Kilbarry Place in order to accommodate a sub-basement extension to the Owner's existing house on that property.

**RECOMMENDATIONS**

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It is recommended that:

1. The General Manager, Toronto Water (the "General Manager") be authorized to negotiate, enter into and execute on behalf of the City a Servicing Agreement with the owner of 2 Kilbarry Place (the "Owner) for the relocation and lowering of the City's sanitary and storm sewer (the "Servicing Agreement"), subject to the following conditions:
  - a. All costs and expenses associated with the design, installation and construction of the work, which work shall be defined in the Servicing Agreement, be paid by the Owner;
  - b. The Owner shall provide or cause the approved contractor to provide to the City a two year maintenance guarantee of the work;

- c. The Owner shall deliver to the City, in a form acceptable to City Treasurer, a Letter of Credit in an amount equal to the greater of either (a) 110% of the estimated cost of the Work, as determined by the General Manager, Toronto Water or (b) \$200,000.00 (TWO HUNDRED THOUSAND DOLLARS) to secure the Owner's obligations under the Servicing Agreement;
  - d. The Owner shall, at the Owner's expense, obtain or cause the approved contractor to obtain, maintain and keep in full force and effect at all times any necessary insurance coverage as may be required by the City;
  - e. The Owner shall indemnify the City for all claims related to or arising from the Services Agreement and the work; and,
  - f. Such Servicing Agreement to otherwise be on terms and conditions as may be required by the General Manager and in a form satisfactory to the City Solicitor.
2. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

### **Financial Impact**

There is no financial impact to the City from the adoption of this report. The Owner is agreeable to paying all costs associated with the relocating and lowering of the sewers, new service connections and restoration of the street.

### **ISSUE BACKGROUND**

The Owner has constructed an addition to his house with a new basement that is lower than the existing City sewers located on Kilbarry Place. The Owner has therefore requested that the existing City storm and sanitary sewers and connections on Kilbarry Place be lowered to accommodate his new lower basement floor elevation. The Owner has submitted drawings of the proposed works, prepared by a Professional Engineer, in support of his request. Based on a preliminary review of these drawings, the work is technically feasible.

The City's records indicate that the existing sanitary and storm sewers and connections were constructed in 1946 and are located within the west boulevard of the roadway. The existing sewers are not designated in Toronto Water's 5 year capital works program and have not been identified for reconstruction. The sewers were laid at an elevation that was sufficient to service the original house.

The relocation of the sewers will require the excavation of more than 50 percent of the pavement area of Kilbarry Place. It is the City's standard practice to carry out full reconstruction of the paved area, including curbs, when more than 50% of the pavement area is excavated. For this reason, staff recommend that full reconstruction be carried out.

## COMMENTS

Toronto Water staff has reviewed the Owner's proposal and has determined, based on the information provided, that the proposed Work will not negatively impact the City's existing infrastructure, nor hinder its future maintenance. The existing sewers on Kilbarry Place service only this one property.

Toronto Water has no objection to the proposed Work subject to the Owner entering into a Servicing Agreement on the terms and conditions as set out in this report.

## CONTACT

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## SIGNATURE

A handwritten signature in black ink, appearing to read "M. D'Andrea", written over a horizontal line.

Michael D'Andrea, P. Eng.  
Director, Water Infrastructure Management