

Delegation of Authority to Enter Into Municipal Infrastructure Agreements

Date:	May 19, 2009
To:	Planning and Growth Management
From:	Executive Director, Technical Services
Wards:	All
Reference Number:	P:\2009\Cluster B\Tec\PG09020.doc

SUMMARY

The purpose of this report is to request that the Executive Director of Technical Services be given delegated authority to enter into Municipal Infrastructure Agreements to secure the construction of municipal infrastructure carried out by developers in connection with a Site Plan approval.

RECOMMENDATIONS

The Executive Director of Technical Services recommends that:

1. Authority be delegated to the Executive Director of Technical Services and his/her designates to enter into Municipal Infrastructure Agreements with developers to secure the construction of municipal infrastructure required to support developments or redevelopments that are the subject of a Site Plan application; and
2. The City Solicitor be directed to prepare a by-law for presentation to and approval by City Council to delegate authority to enter into Municipal Infrastructure Agreements.

Financial Impact

There are no financial implications.

ISSUE BACKGROUND

Developers are commonly required to make improvements to municipal infrastructure in order to support their proposed developments or redevelopments. Road right-of-way improvements can range from simple construction of new sidewalks and driveway entrances to more complex modifications such as localized road widenings and the introduction of turning lanes. Improvements to underground services are also often required to support the proposed development: work on sanitary and storm sewers and watermain. Since this work is carried out by the developer, the City requires a mechanism by which to secure the work and ensure that the construction is carried out in accordance with the City's standards and specifications.

In each instance where such work was required staff would submit a report to Council for authority to authorize the specific content and execution of the agreement. This resulted in delays. A harmonized Municipal Infrastructure Agreement is in the final stages of drafting and it will be used City wide.

This Staff Report recommends that authority be delegated to the Executive Director of Technical Services and his/her designates to enter into these agreements.

COMMENTS

A Municipal Infrastructure Agreement outlines the developer's responsibilities with respect to the construction of new municipal infrastructure. These responsibilities include:

- (i) retaining a Professional Consulting Engineer to prepare detailed design drawings and oversee construction activity to ensure that infrastructure is constructed in accordance with City standards and specifications;
- (ii) provision of financial securities; and
- (iii) provision of liability insurance.

A developer will be required as a pre-condition to Site Plan approval to enter into a Municipal Infrastructure Agreement when construction of new municipal infrastructure is required. Municipal infrastructure constructed as part of a subdivision will be secured through the Subdivision Agreement and not a Municipal Infrastructure Agreement.

It is recommended that the Executive Director of Technical Services and his/her designates be given the delegated authority to enter into Municipal Infrastructure Agreements. This will ensure that new municipal infrastructure as well as modifications to existing infrastructure are properly secured and constructed and ensure that the execution of these agreements is carried out in a timely manner. The Municipal Infrastructure Agreement also allows for the City to require financial securities and draw on them in the event the developer defaults on the obligations contained in the Agreement.

The Municipal Infrastructure Agreement will provide a better level of service to the development community. This process improvement allows for a streamlined, harmonized process and establishes consistent expectations for both the applicant and the City. By delegating authority to staff to enter into these agreements Council will be able to focus on key governance issues rather than having to deal with routine administrative and technical approvals.

Legal Services has been consulted in the preparation of this report.

CONTACT

Helen Noehammer, P.Eng.
Acting Director, Development Engineering
Phone: 416-392-0455
Fax: 416-392-4426
e-mail: hnoeham@toronto.ca

SIGNATURE

William C. Crowther, Eng.
Executive Director
Technical Services