



## STAFF REPORT ACTION REQUIRED

### Toronto York Spadina Subway Extension – Provision of Building Code Review and Inspection Services

<b>Date:</b>	June 24, 2010
<b>To:</b>	City Council
<b>From:</b>	City Manager
<b>Wards:</b>	All Wards
<b>Reference Number:</b>	P:\2010\Cluster B\BLD\CBO Office\2010cc10008

#### SUMMARY

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In light of the importance and urgency of this issue to the TTC, the City of Toronto, and the City of Vaughan, it is imperative that City Council consider this matter at this Council meeting. Given that the requested authority is administrative in nature, this report recommends that City Council approve the recommendation to delegate to the Chief Building Official, in consultation with the City Solicitor, the authority to negotiate, finalize and enter into an agreement with the City of Vaughan, subject to Sections 3 and 6 of the *Building Code Act*, for the purposes of providing Building Code plan review and construction inspection services for the proposed Toronto York Spadina Subway Extension stations located in whole or in part within the City of Vaughan.

#### RECOMMENDATIONS

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**The City Manager recommends that:**

1. City Council authorize the Chief Building Official, in consultation with the City Solicitor, to negotiate and finalize an agreement with the City of Vaughan for the purposes of providing Building Code plan review and construction inspection services pursuant to the *Building Code Act* for Toronto Transit Commission proposed Toronto York Spadina Subway Extension stations located in whole or in part within the City of Vaughan and identified as Steeles West Station (partially within the City of Vaughan), Highway 407 Station and Vaughan Corporate Centre Station, on terms satisfactory to the Chief Building Official and the City Solicitor; and;

2. City Council delegate to the Chief Building Official the authority to make such decisions under the agreement as may be necessary for its implementation, including approvals and enforcement under the *Building Code Act*, within the City of Vaughan.

## **Financial Impact**

There is no financial impact to the 2010 approved Toronto Building Operating Budget. Through permit fees, estimated at approximately \$270,000, Toronto Building will recover the costs related to the review of the plans and inspection of construction within the City of Vaughan. This will also cover the costs of administering and enforcing the *Building Code Act* and the Ontario Building Code on these applications. These costs and revenues are already incorporated in the 2010 Operating Budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial impact statement.

## **DECISION HISTORY**

There are no previous Council decisions related to this aspect of the Toronto York Spadina Subway Extension.

## **ISSUE BACKGROUND**

The Toronto York Spadina Subway Extension (TYSSE) is currently underway and the extension of the Spadina Subway includes the construction of six subway stations. A portion of one of the stations (Steeles West) and two other stations, 407 and Vaughan Corporate Centre are contained within the City of Vaughan, with the remainder located wholly within the City of Toronto. City of Vaughan staff have approached Toronto Building and requested that Toronto Building, on behalf of the City of Vaughan, undertake the Building Code plan review and construction inspections pursuant to the *Building Code Act* (BCA) for the stations contained in whole or in part within the City of Vaughan.

Sections 3 and 6 of the BCA allows the Council of two municipalities to enter into an agreement to provide for joint enforcement and the sharing of fees within their respective municipalities. This report recommends that Council delegate to the Chief Building Official the authority to enter into such an agreement on behalf of the City of Toronto to provide the above noted service on behalf of the City of Vaughan.

## **COMMENTS**

The Toronto Transit Commission (TTC) is in the process of extending the Spadina Subway northwards from Wilson Station and the expansion will include station stops within the City of Toronto at Sheppard West, Finch West, York University, Steeles West,

and will have station stops within the City of Vaughan at 407 and will terminate at the Vaughan Corporate Centre (VCC). The station located at Steeles West will be located within both the City of Toronto and the City of Vaughan.

Toronto Building staff have developed considerable knowledge and experience in the review of plans and undertaking inspections with respect to Building Code compliance related to TTC subway stations over many years of working with the TTC on numerous projects such as the Sheppard Subway and retrofit projects for existing stations.

The City of Vaughan is responsible for the enforcement of the BCA within Vaughan and is responsible for the issuance of building permits for stations located within their municipality. Vaughan, however, has requested that Toronto Building undertake the technical review of plans and inspection of construction of the stations as required for the purposes of ensuring conformity and compliance with the Ontario Building Code (OBC). This request was made in part in recognition of the knowledge and experience Toronto Building has developed over many years of working with the TTC. The applicant for the building permit and entity managing the construction shall be the TTC, which is a local board of the City of Toronto. It is, therefore, preferable that the approval and inspecting agency be the City of Toronto.

Toronto Building staff have met jointly with the TTC and City of Vaughan (Building Standards) staff. There is agreement between these parties that there are benefits related to consistency and efficiency in having Toronto Building staff conduct and be responsible for the review of plans and the inspection of construction and all parties support the proposed agreement between the City of Toronto and the City of Vaughan.

The City of Toronto's Chief Building Official will have full authority and control over the delivery of the OBC plan review and construction inspection services for stations constructed within the City of Vaughan. Additionally, Toronto Building will use the permit fee schedule as outlined in Chapter 363, Toronto Municipal Code, and will be receiving fees from the TTC that represent 75% of full permit fees for subway stations, which are anticipated to be approximately \$270,000 for stations constructed within Vaughan.

For the stations to be constructed in Vaughan that City's staff will be responsible for accepting and processing of building permits, that will be issued by the City of Vaughan's Chief Building Official pursuant to the BCA. Vaughan will be responsible for the review related to zoning and applicable law compliance for these stations.

The agreement will ensure that the City is indemnified and will include clauses to indemnify and save Toronto harmless from any and all claims arising from the technical review of plans and inspection of construction of the stations as required for the purposes of ensuring conformity and compliance with the Ontario Building Code (OBC) carried out by Toronto Building and such wording shall be to the satisfaction of the City Solicitor.

The proposed construction schedule for the TYSSE and the timeframe for the submission/issuance of building permits for the 407 station, located within Vaughan, require that the permit be submitted to Vaughan in late June 2010 and it is anticipated that the technical review by Toronto Building Staff will occur in July, 2010. In light of the importance and urgency of this issue to the TTC, the City of Toronto and the City of Vaughan, it is necessary for City Council to consider this matter at the July meeting of Council. Given that it is administrative in nature, it is recommended that authority be delegated to the Chief Building Official to negotiate and enter into an agreement as outlined above to permit Toronto Building to receive the permit drawings, and conduct the technical review of the plans as required by the BCA, on behalf of the City of Vaughan.

## **CONTACT**

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## **SIGNATURE**

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