



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Civil Lawsuit to Recover Contamination Costs
Don Mills Station**

Date:	October 20, 2011
To:	Government Management Committee
From:	City Solicitor
Wards:	Ward 33
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

This report contains legal advice about an ongoing lawsuit to recover costs incurred as a result of contamination in the Sheppard Avenue West right-of-way adjacent to an Imperial Oil gas station. This report seeks authority respecting the conduct of the lawsuit.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Attachment 1; and
2. In view of the fact that litigation is ongoing, the confidential information and recommendations in Attachment 1 remain confidential until the lawsuit is finally resolved, including all appeals.

Financial Impact

The financial implications are discussed in the Confidential Attachment 1 of this report.

DECISION HISTORY

Council authorized the commencement of a lawsuit to recover costs incurred as a result of contaminated soil encountered during the construction of the Don Mills Station on the Sheppard Avenue subway line, by adoption of Clause 9 of Report 5 of the Administration Committee, at its meeting of September 28, 1999.

COMMENTS

The financial impact, issue background and comments section of this report are contained in Attachment 1 to this report to preserve the confidentiality of this information.

CONTACT

Graham Rempe, Solicitor, Legal Services, Tel: 416-392-2887, Fax: 416-397-1765
Email: grempe@toronto.ca

SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1: Confidential Information: Recovery of contamination costs -Don Mills Station