

Authority: Public Works and Infrastructure Committee Item 25.7,
as adopted by City of Toronto Council on August 5 and 6, 2009
Enacted by Council: October 1, 2009

CITY OF TORONTO

BY-LAW No. 954-2009

To amend City of Toronto Municipal Code Chapter 743, Street and Sidewalks, Use of, to include as a condition of cut permit approvals the requirement that applicants submit location certificates with respect to completed underground works.

WHEREAS Council has, for the purposes of ensuring public safety and the efficient management of construction within City streets, approved the requirement that applicants for cut permits within City streets provide a location certificate showing the accurate underground location of all completed works;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Municipal Code Chapter 743, Streets and Sidewalks, Use of, is amended by:

A. Adding the following definitions to § 743-1A in alphabetical order:

EXECUTIVE DIRECTOR — The Executive Director of Technical Services.

LOCATION CERTIFICATE — A sketch, as-built drawing or similar representation that:

- (1) is certified correct by a member of the Association of Ontario Land Surveyors, the Association of Professional Engineers of Ontario, the Association of Professional Geoscientists of Ontario or the Ontario Association of Certified Engineering Technicians and Technologists; and
- (2) accurately indicates the as-built location, including depth of coverage and horizontal and vertical alignment of peripheral elements, of the completed equipment, plant or structure by reference to:
 - (a) the Central Meridian, 79 degrees 30 minutes West Longitude, in Zone 10 of the Ontario Coordinate System, North American Datum of 1927 (1974 adjustment); and
 - (b) elevations derived from the Canadian Geodetic Vertical Datum of 1928, which is based on the mean sea level of tidal gauges.

B. Adding the following new section to the Chapter:

§ 743-5. Provision of location certificate.

A. Any person applying to the City for a permit for the performance of work within a City street, including a sidewalk, boulevard or roadway, for the

purposes of constructing or installing underground equipment, plant or structures, shall agree as a condition of receiving the permit, to provide to the Executive Director and/or the General Manager, within sixty (60) days of the completion of the work, a location certificate accurately indicating the as-built location, including depth of coverage, of the equipment, plant or structure, in such form and to such standards as may be required by the Executive Director and/or the General Manager.

- B. In the event that an applicant fails to provide the as-built drawings or location certificates as required under Subsection A, the Executive Director and/or the General Manager may, on thirty (30) days written notice to the applicant, perform (or cause to be performed) the work required to accurately determine the location of the equipment, plant or structure and prepare the location certificate as required under Subsection A, and the City may recover the cost of doing so from the applicant by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- C. Where an applicant is in default of their obligations under Subsection A, the applicant shall not, except where, in the opinion of the General Manager, there is an emergency or the permit is required to perform work required by the City, be issued any further permit for the performance of work within the City street in respect of the particular equipment, plant or structure for which the location certificate is outstanding, including a sidewalk, boulevard or roadway, until such time as the location certificate as required under this § 743-5 has been provided by the applicant, or until the applicant has paid the City's costs as required under Subsection B.
- D. The provisions of this § 743-5 shall not apply to the extent that they conflict with the provisions of any agreement between the applicant and the City respecting the performance of work within a City street.

ENACTED AND PASSED this 1st day of October, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)