

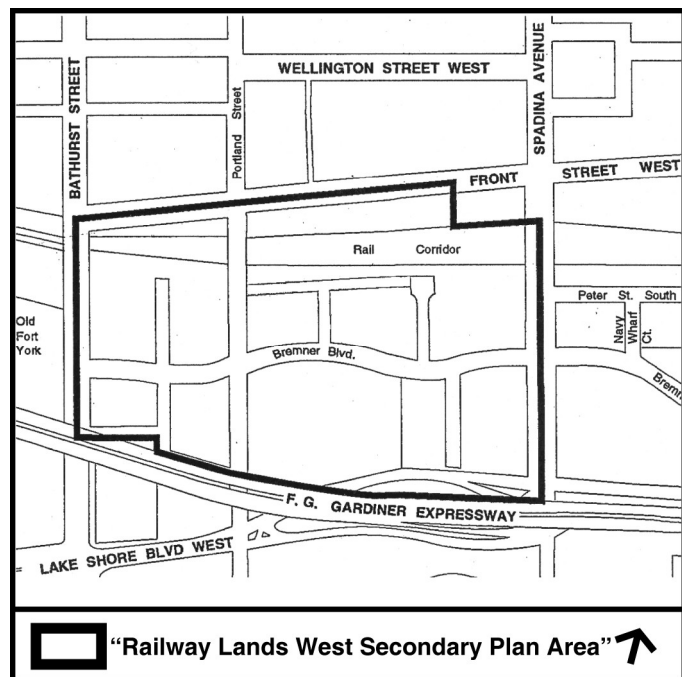
**Railway Lands West – Subdivision Application –  
Assumption of Sections of Retaining Walls**

<b>Date:</b>	May 19, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York
<b>Wards:</b>	Ward No. 20 – Trinity Spadina
<b>Reference Number:</b>	Railway Lands West – Draft Plan of Subdivision No. 55T-93005

**SUMMARY**

As part of the development of 450-476 Bremner Boulevard, also referred to as Blocks 26W and 29 in the Railway Lands West, Concord Adex was responsible for the construction of a retaining wall which abuts the railway corridor to the north. The retaining wall forms part of the underground parking structure for these development Blocks, with the exception of the 2 portions of the retaining wall which are located adjacent to City roads.

This report seeks authorization to allow the appropriate City staff to amend the Subdivision Agreement for the Railway Lands West in order to allow the City to assume maintenance obligations for the portions of the retaining wall that abut the City roadway on the condition that Concord Adex provide a maintenance fund to the City for the walls.



## **RECOMMENDATIONS**

---

### **The City Planning Division recommends that:**

1. City Council authorize the appropriate City Staff to amend the Subdivision agreement for the Railway Lands West, in order to assume ownership and maintenance obligations for the portions of the retaining wall that are located at the north end of Dan Leckie Way and the north end of Capreol Court; and
2. City Council require the applicant to provide the City with a maintenance fund for the portions of the retaining wall to be conveyed, in an amount acceptable to the Executive Director, Technical Services Division, and the General Manager, Parks, Forestry and Recreation Division.

### **Financial Impact**

Staff will negotiate with the applicant to secure adequate funds to cover the long term maintenance costs associated with the portions of the retaining walls that are proposed to be owned and maintained by the City.

### **COMMENTS**

As part of the development of 450-476 Bremner Boulevard, also referred to as Blocks 26W and 29 in the Railway Lands West, Concord Adex was responsible for the construction of a retaining wall which abuts the railway corridor to the north. The retaining wall forms part of the underground parking structure for these development Blocks, with the exception of the 2 portions of the retaining wall which are located adjacent to City roads.

It was originally intended that the retaining walls be maintained by the condominium corporation of each new building constructed at 450-476 Bremner Boulevard. Section 6.13 of the Subdivision Agreement states “ The Owner agrees to design, construct and maintain all retaining walls within the Plan to the satisfaction of the Technical Services Director and Railway Companies, and where such retaining walls are within or adjacent to any Parkland, to the satisfaction of the General Manager Parks, and to maintain them in perpetuity, including, but not limited to, a retaining wall or walls across the entire northerly limit of Northern Linear Park which may be comprised in part of the northerly wall of the Parking Garages...”. In addition, Section 13.3(e) of the Agreement states “The Owner agrees, at its own expense, to construct, repair and maintain in perpetuity and shall retain title to the Northern Linear Park Retaining Walls. The Owner shall maintain and repair the Northern Linear Parks Retaining Walls as necessary to keep it at all times in good repair”.

Given that two portions of the retaining wall are located adjacent to lands owned by the City of Toronto, those being at the north end of Dan Leckie Way and at the north end of Capreol Court, it is appropriate for the City to assume the ownership and maintenance of

the retaining wall at these two locations. For this to occur, the subdivision agreement will have to be amended.

In order to ensure that the City is not responsible for new costs, Staff have requested that the applicant provide the City with a maintenance fund for these sections of wall in an amount acceptable to the Executive Director, Technical Services Division and to the General Manager, Parks, Forestry and Recreation.

The acceptance of these retaining walls in the Railway Lands West ensures that the City will own and control maintenance of this infrastructure that is supporting a public road and parkland. The maintenance fund will ensure that the cost is covered. This is similar to the arrangements for the ownership and maintenance of the retaining wall along the rail corridor in the Railway Lands Central area.

## **CONTACT**

Marian Prejel, Senior Planner  
Tel. No. (416) 392-9337  
Fax No. (416) 392-1330  
E-mail: mprejel@toronto.ca

## **SIGNATURE**

---

Raymond David, Director  
Community Planning, Toronto and East York District

(P:\2010\ClusterB\pln\te10039.doc) -cc