Civil Lawsuit to Recover Contamination Costs
Don Mills Station

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<th>October 20, 2011</th>
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<td>To:</td>
<td>Government Management Committee</td>
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<td>From:</td>
<td>City Solicitor</td>
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<td>Reason for Confidential Information:</td>
<td>This report contains advice or communications that are subject to solicitor-client privilege.</td>
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**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

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Anna Kinastowski
City Solicitor

ATTACHMENTS

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