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## City Council

### Notice of Motion

MM32.13	ACTION			Ward:All
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**Advancing capital funds to Build Toronto to carry out property-related work on behalf of the City on Block 31 - Railway Lands - by Councillor Peter Milczyn, seconded by Councillor Adam Vaughan**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

### Recommendations

Councillor Peter Milczyn, seconded by Councillor Adam Vaughan, recommends that:

1. City Council authorize the Chief Corporate Officer to advance approved capital funds to Build Toronto to enable Build Toronto to carry out, on the City's behalf, demolition, environmental testing or other property-related work that the City requires and requests of Build Toronto for Block 31 – Railway Lands, with a scope satisfactory to the City, without requiring a purchase order or sole source form, and exempting Build Toronto from the City's purchasing policies, provided that all arrangements with Build Toronto shall be subject to:
  - a. an appropriate agreement on terms and conditions satisfactory to the Chief Corporate Officer in a form satisfactory to the City Solicitor;
  - b. the requirement that the City's Labour Trades Obligations policy shall apply to the contract;
  - c. the inclusion of a provision in the agreement requiring reimbursement by Build Toronto of amounts expended by the City, in the event that part or all of the property is subsequently transferred to Build Toronto;
  - d. the requirement that the price paid by the City for property-related work shall

not include any mark-up, administrative or management fee payable to Build Toronto by virtue of undertaking these services on behalf of the City of Toronto; and

- e. the requirement that Build Toronto utilizes an open, competitive bidding process.

## **Summary**

In 1994, to implement the planning approvals of the Railway Lands, Canadian National Railways (CN) transferred Block 31, a 2 acre parcel south of Fort York Boulevard and west of Brunel Court, to the City for affordable housing and community infrastructure purposes. The City, Toronto District School Board, Toronto Catholic District School Board and CN signed agreements for the financing of a community centre and elementary schools on the property.

Since 2011, Build Toronto has contributed its development expertise on Block 31, leading the review and analysis of development options for the stakeholders. Once the final development concept is resolved by the stakeholders, Build Toronto may take responsibility for issuing a proposal call for the delivery of the affordable housing component, depending on projected costs and market timing.

In November 2012, City Council authorized funding of \$200,000 from the Development Levy Trust account XT6104 to undertake a Phase I and Phase II Environmental Assessment of Block 31 and Adjacent Lands, undertake a monitoring program on the site and undertake required activities to file for a Record of Site Condition (RSC) that may include a Risk Assessment so that development of the site can proceed expeditiously.

As extension of its development advisory role on Block 31, Build Toronto has offered to procure the Phase 1 and Phase 2 Environmental Assessments on behalf of the City, using an open, competitive bidding process. Build Toronto is requesting funds from the City to undertake the work.

This Motion authorizes Build Toronto to carry out environmental work totaling \$200,000, as approved in November 2012. In addition, it authorizes work in the future on the City's behalf and at the City's request, where additional capital funds are approved as part of the City's capital budget processes, or by separate report to Council.

Council's adoption of this Motion would enable the payment of funds approved for Block 31 to flow to Build Toronto without requiring a purchase order or sole source form, subject to agreement by the Chief Corporate Officer, in a form satisfactory to the City Solicitor. A portion of the funds would be reimbursed to the City by Build Toronto should part of the site be transferred to them. No mark-ups by Build Toronto would be permitted, and Build Toronto would have to follow an open, competitive bidding process.

(Submitted to City Council on April 3 and 4, 2013 as MM32.13)

