



## STAFF REPORT ACTION REQUIRED

### Exemption to Municipal Code Chapter 681, Sewers and Chapter 851, Water Supply - 145 Greenbrae Circuit, To Allow Service Connections by Developer

<b>Date:</b>	May 1, 2013
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	General Manager, Toronto Water
<b>Wards:</b>	Ward 38
<b>Reference Number:</b>	P:\2013\Cluster B\tw\pw13011

#### SUMMARY

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This report is to request Council authorization for the General Manager, Toronto Water to exempt the owner of 145 Greenbrae Circuit from the conditions in §681-11H(2)(a) of Chapter 681 and §851-4C(1)(b)[1] of Chapter 851 of the Toronto Municipal Code to permit the owner to install service connections. Under the current City by-laws, where the owner does not meet the specified conditions, the City installs the municipal service connections. The owner has requested that it be allowed to do the work.

#### RECOMMENDATIONS

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**The General Manager of Toronto Water recommends that:**

1. Council authorize the General Manager, Toronto Water, to exempt the municipal property located at 145 Greenbrae Circuit from the conditions set out in Municipal Code Chapter 851, Water Supply, §851-4C(1)(b)[1] and permit the installation of new water service connections by the owner without the necessity that it be in conjunction with the construction of new water main infrastructure related to the owner's project.
2. Council authorize the General Manager, Toronto Water, to exempt the municipal property located at 145 Greenbrae Circuit from the conditions set out in

Municipal Code Chapter 681, Sewers, §681-11H(2)(a) and permit the installation of new sewer connections by the owner without the necessity that it be in conjunction with the construction of new sewer works related to the owner's project.

3. The General Manager be authorized to exempt, where appropriate, an owner from the conditions contained in §851-4C(1)(b)[1] of the Water Supply By-law or the conditions contained in §681-11H(2)(a) of the Sewers By-law or both, as the case may be, where the General Manager is satisfied that the service connections can be properly installed by the owner in accordance with the City specifications and other requirements set out in §851-4C(1)(b) and/or §681-11H(2), respectively and that Chapter 851 and Chapter 681 be amended to reflect same.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **ISSUE BACKGROUND**

The owner of the property at 145 Greenbrae Circuit has applied for Site Plan Approval to build an eleven-unit residential townhouse development fronting Greenbrae Circuit. Greenbrae Circuit is an existing public road.

§851-4 C(1)(a) of the Municipal Code Chapter 851, Water Supply (the "Water Supply By-law") and §681- 11 H(1) of Chapter 681, Sewers (the "Sewers By-law") require the installation of all new service connections to be constructed by City forces at the owner's cost.

The owner of the property has requested that it be allowed to have its contractor undertake and complete the service connections and associated road and boulevard restoration rather than City forces.

### **COMMENTS**

Both the Water Supply By-law and Sewer By-law allow for an owner upon application to and approval by the General Manager of Toronto Water to install service connections provided that, in addition to other terms and conditions, one of the following conditions is met:

- i) It is within a new or existing unassumed subdivision;
- ii) Constructed in conjunction with a new water or sewer main; or
- iii) Located within an easement.

In this case none of the above conditions apply to this development.

The owner will be undertaking significant construction on-site and will require a contractor capable of installing private service connections, curbs, sidewalks and pavement for its own works. The owner may be able to reduce costs by having this contractor also perform the municipal service connections rather than having to incur the expense of the City mobilizing a separate City contractor to perform the municipal service connection. Having only one contractor perform the private and municipal service connection work should be more cost and time effective for the owner. Also, in the event of deficiencies in the work, the owner will have the clear responsibility to remedy the deficiencies and disputes between whose contractor is responsible for the deficiencies can be avoided.

Under the Water Supply By-law and Sewers By-law, the owner is required to enter into an agreement with the City in respect to the installation of the service connections, any related work, compliance with City standards of construction and restoration of works, acceptance of risk and the payment of costs. Entering into this agreement with the City can be made a condition of Site Plan Approval.

In the circumstances, it is proposed that the Water Supply By-law and Sewers By-law be amended to authorize the General Manager to exempt, where appropriate, an owner from the conditions contained in §851-4C(1)(b)[1] of the Water Supply By-law or the conditions contained in §681-11H(2)(a) of the Sewers By-law or both, as the case may be, where the General Manager is satisfied that the service connections can be properly installed by the owner in accordance with the City specifications and other requirements set out in §851-4C(1)(b) and/or §681-11H(2), respectively.

## **CONTACT**

Lawrence Shintani  
Acting Manager, Development Engineering, Scarborough District  
Engineering Review  
Tel: 416-396-7353  
Fax: 416-396-5681

## **SIGNATURE**

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Lou Di Gironimo  
General Manager, Toronto Water