

**City Council****Notice of Motion**

MM8.4	ACTION			Ward:17
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**Continued Delays in Completion of Construction of Basement Flooding Protection Project at Charles Caccia Park - by Councillor Cesar Palacio, seconded by Councillor Frances Nunziata**

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

*\* This Motion is subject to referral to the Public Works and Infrastructure Committee. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Cesar Palacio, seconded by Councillor Frances Nunziata, recommends that:

1. City Council take the necessary steps, at the request of the local Ward Councillor, to terminate Bondfield's contract as soon as possible and hire another contractor to complete the pending work with a firm completion date of fall 2015.
2. City Council ban Bondfield from any future bids with the City of Toronto for the maximum permissible time.
3. City Council request that Bondfield add community amenities to Charles Caccia Park due to the inordinately long and severely disruptive construction.
4. City Council direct Parks and Recreation staff to allocate the daily recovery costs associated with the late penalties regarding this basement flooding project to a dedicated park fund towards Ward 17 recreational amenities and streetscape improvements in the surrounding area.

**Summary**

The basement flooding storage tank project at Charles Caccia Park was undertaken to address a decades old chronic basement flooding problem in our community. The vicinity of Charles Caccia Park is one of the lowest topographical points in the entire City of Toronto that resulted in devastating impacts during the extreme storm event on August 19, 2005. Several neighbourhoods in Ward 17 experienced significant flooding concerns prior to this storm event and subsequently thereafter. During severe storms hundreds of residents of Ward 17 experienced widespread surface flooding including private property, sewer systems becoming overloaded, and Sanitary and combined sewer back-ups. As a result, residents incurred tremendous financial losses and were no longer being insured over the frequency and rising costs during extreme weather events. The situation became so critical that a long-term solution through "A Basement Flooding Class Environmental Assessment Study (Area 3)" was

approved in consultation with the local community, which also encompassed Ward 12 York South-West and Ward 15 Eglinton-Lawrence.

At the February 6, 2012, City Council Meeting, I brought forward a Motion to Toronto City Council which was subsequently approved asking that the General Managers of Toronto Water and Parks and Recreation take appropriate measures to ensure the park is restored once the project is completed. Furthermore, that all existing park amenities that are removed or damaged by the project be fully repaired or replaced following the installation of the holding tank, due to Ward 17 already being the most parkland deficient.

A key component of the Basement Flooding Protection Project was to install a water holding tank under Charles Caccia Park (formerly Nairn Park) in order to help mitigate future basement flooding concerns. The construction commenced in spring 2013 and it was expected that the project would be completed in the fall of 2014.

This major capital infrastructure project has been the subject of multiple community consultation meetings during the last three years. The community understood the short-term pain would be accompanied by long-term gain as the chronic basement flooding will be eliminated and the local park will be tremendously improved.

Unfortunately, in the spring of 2014, Toronto Water staff advised me that technical difficulties with the construction of the holding water storage tank had stopped, leading to a short delay in the completion of the project. The holding tank was now going to be fully installed by the end of 2014 instead of the fall, as originally scheduled. Due to weather restrictions, restoration of the park and construction of the splashpad was on track to be completed in the spring of 2015.

Moreover, after meeting with Management staff from Engineering and Construction Services on April 11, 2014, it was confirmed that the shoring system that was installed by Bondfield had collapsed due to it not being properly sized. This subsequently resulted in the project commencing from scratch with a complete redesign. Engineering and Construction Services staff advised my office that there were no possible solutions to mitigate this inordinately long delay. During this time, I sent communications to my community to keep them informed and provided further assurances at the June 17, 2014, public meeting of the new timelines.

Most recently, I met with staff from Engineering and Construction Services, Parks, and Toronto Water on Monday June 22, 2015 to discuss the status of the Charles Caccia Park holding tank. The completion date has once again been delayed until November 2015 for the holding tank, whereas, the park installation will take place in the spring/summer of 2016.

Due to this community's unfortunate experience with the St. Clair Right-of-Way, West Toronto Diamond Grade Separation and prolonged Junction Road closure, it was my office's intention in the spirit of making sure that things are done properly and on time, that this Motion would go along way to ease the community's apprehension and frustration.

These cumulative delays have tainted my reputation and questioned my integrity to my constituency in this section of Ward 17, as all of my newsletters, public notices, and e-mail communications with forecasted timelines for completion were all made entirely irrelevant, as a result of the continued delays by the contractors, and given the lack of accountability and responsiveness provided by City staff.

The community has had to endure deplorable construction conditions and frustrating delays for

more than two years, and are now facing another year of continuing work and the loss of one of the few green spaces/amenities for children in the entire area. Whereas, the poor and unacceptable performances demonstrated by the contractor resulting from their: unsafe work performed during construction of the underground holding water tank; failure to comply with contract terms and conditions; lack of communication with my office; lack of action by the contractor in advising property owners of further construction disruptions; lack of responsiveness and no effort from City staff to inform other stakeholders; damages to neighbouring residential properties from excavation/vibration; and keeping roads free of construction debris, dust, mud, all go without any significant penalty.

**Background Information (City Council)**

Member Motion MM8.4