



REPORT FOR ACTION

Water and Sewage Cross Boundary Servicing Requests

Date: March 31, 2017

To: Public Works and Infrastructure Committee

From: General Manager, Toronto Water

Wards: All

SUMMARY

The City of Vaughan and the respective landowners have requested water and sewage services (i.e. sanitary and storm water and other drainage from land) from Toronto Water for three active development applications located north of Steeles Avenue. The City of Vaughan has advised that it is not feasible for them to provide water and sewage servicing to the three developments due to the distance from existing municipal services and impediments such as Highway 407 and rail corridors.

The City of Toronto Act, 2006 requires, prior to the provision of a service in another municipality, that one of the purposes for doing so is for its own purposes and that the consent of the applicable lower and upper tier municipalities be obtained. Accordingly, a multi-party agreement among the City, the Regional Municipality of York, the City of Vaughan, and respective owner of property would be required for the provision of water and sewage services from the City to the three developments in the City of Vaughan.

Engineering Construction Services and Toronto Water staff have reviewed the three development proposals and have concluded that water and sewage services could be provided by the City, subject to a multi-party agreement being negotiated to provide these services on terms and conditions acceptable to the City. To facilitate future cross-boundary water and sewer servicing requests, staff recommend that the authority to negotiate and, where appropriate, enter into water and sewer servicing cross-boundary agreements be delegated to the General Manager of Toronto Water. This would assist in expediting the approval process for servicing such developments.

RECOMMENDATIONS

The General Manager of Toronto Water recommends:

1. City Council authorize the General Manager, Toronto Water, to negotiate and, where appropriate as determined by the General Manager, enter into and execute on behalf of the City agreements for the provision of water and sewage

services by the City to three properties located at 6200 Steeles Avenue West, 7233 Highway No. 27, and 5390 Steeles Avenue West, all within the City of Vaughan, with the Regional Municipality of York, the City of Vaughan and the owners of the respective properties; including without limitation any amendments, extensions or renewals thereof; on terms and conditions satisfactory to the General Manager; and in a form satisfactory to the City Solicitor; subject to the following conditions:

- a) one of the purposes for doing so is for the City's own purposes;
 - b) the consent of the Regional Municipality of York and City of Vaughan, where the subject properties are located and the services are to be provided, is obtained prior to entry into the respective agreement;
 - c) the City has a sufficient supply of water to service the subject property and sufficient sewer capacity available for handling the sewage from the subject property, as determined at the sole discretion of the General Manager; and
 - d) the owner of the subject property shall comply with Chapter 681, Sewers, and Chapter 851, Water Supply, of the City of Toronto Municipal Code and the City's Wet Weather Flow Management Guidelines, each as amended from time to time.
2. City Council authorize the General Manager, Toronto Water, to negotiate and, where appropriate as determined by the General Manager, enter into and execute on behalf of the City agreements for the provision of water and/or sewage servicing by the City to properties outside of the City of Toronto and within the 'unserved area' designated on the map set out in Attachment # 1 to this Report with the Regional Municipality of York, the City of Vaughan and the owners of the respective properties, when and where requested from time to time by York and Vaughan; including without limitation any amendments, extensions or renewals thereof; on terms and conditions satisfactory to the General Manager; and in a form satisfactory to the City Solicitor; subject to the following conditions:
- a) one of the purposes for doing so is for the City's own purposes;
 - b) the consent of the lower tier and upper tier municipalities having jurisdiction where the subject property is located or service is provided, as the case may be, is obtained prior to entry into the agreement;
 - c) the City has a sufficient supply of water to service the subject property and/or sufficient sewer capacity available for handling the sewage from the subject property, as applicable to the service provided and as determined at the sole discretion of the General Manager;
 - d) the owner of the subject property shall comply with Chapter 681, Sewers, and Chapter 851, Water Supply, of the City of Toronto Municipal Code and the City's Wet Weather Flow Management Guidelines, each as amended from time to time; and
 - e) The delegation of this authority to the General Manager, is on a pilot project basis and for the 'unserved area' designated on the map set out in Attachment 1 to this Report, and shall expire on December 31, 2022, unless otherwise extended by Council.

FINANCIAL IMPACT

There are no financial impacts with this report. The implementation cost for the servicing would be offset by water bill and financial contributions from the owner of property.

DECISION HISTORY

In July 2003, City Council authorized the negotiation and entering into an agreement among the City of Toronto, the City of Vaughan, the Regional Municipality of York, and Minglehaze Investors for the provision of water and sewage services to the Minglehaze site at 5400 Steeles Avenue West for a period of 20 years. The Council decision is at:

<http://www.toronto.ca/legdocs/2003/agendas/council/cc030722/wks6rpt/cl009.pdf>

In July 2005, City Council authorized the negotiation and entering into an agreement between the City, the City of Vaughan, the Regional Municipality of York, and Sadr Investments Inc., for the provision of water and sewage services for the Window City site at 5690 Steeles Avenue West, The Window City site was pre-serviced through an original agreement with the former City of Etobicoke. However, a multi-party agreement has not been executed to date. The Council decision is at:

<http://www.toronto.ca/legdocs/2005/agendas/council/cc050719/wks7rpt/cl013.pdf>

COMMENTS

There are presently three active development applications north of Steeles Avenue West, in the City of Vaughan that have requested water and sewage servicing from Toronto Water. These development sites are as follows and are shown in Attachment 1.

- 6200 Steeles Avenue West (ETR Patrol yard) - new salt management buildings, new 2,565 m² maintenance building, new 3,067 m² covered enclosure to accommodate 12 plough trucks, future salt storage building
- 7233 Highway No. 27 (Sorbara Group - Smith Farm) - comprised of a one-storey employment building with a two-storey office component.
- 5390 Steeles Avenue West (Woodbridge Park) - total of 275 units including 89 conventional townhouses and 160 back to back townhouses; 26 apartment units and two commercial buildings.

This area of the City of Vaughan presently does not have water or sewage servicing. City of Vaughan staff have advised that it is not feasible to provide water and/or sewage services from the City of Vaughan to these locations due to the distance to existing services and impediments, such as Highway 407 and rail corridors. As a result, the City of Vaughan has requested that the City of Toronto provide the necessary servicing.

City of Vaughan Council has consented to the provision of water, sewage services from the City of Toronto for the aforementioned three developments.

The City of Toronto Act, 2006 requires, prior to the provision of a service in another municipality, that one of the purposes for doing so is for its own purposes and that the consent of the applicable lower and upper tier municipalities be obtained. Accordingly, a multi-party agreement among the City, the Regional Municipality of York, the City of Vaughan, and respective owner of property would be required for the provision of water and sewage services from the City to the three developments in the City of Vaughan. The City's own purpose to serve these lands is to support development in the area and it will provide direct and indirect benefits to the City and local communities.

The multi-party agreements for these and any future requests would identify the terms, conditions and obligations of the respective parties which would include, but not be limited to, such matters as any construction requirements, capital infrastructure cost contributions, water and sewer service fees and charges and their collection, indemnification, disconnection, monitoring and compliance. Some of the general conditions would include but not be limited to the following:

- The owner of the property will be responsible for all City costs and fees associated with the City's provision of the cross boundary services.
- The owner of the property shall comply with the City of Toronto Sewers By-law (Chapter 681), the Water Supply By-law (Chapter 851), and the City's Wet Weather Flow Management Guidelines as well as any applicable Provincial and Federal environmental legislation and regulations.
- The owner of the property shall be responsible for arranging for all approvals and permits required for the construction of the works, unless performed directly by the City.
- All works related to the service connections must be to the City of Toronto standards
- The City of Toronto shall invoice the Regional Municipality of York for water and sewer usage by the subject property at water and sewer rates established by City Council from time to time. This will cover operation and maintenance cost incurred by providing services to the properties. Should there be any changes to City of Toronto's water and sewer rates or manner of charging for such services including any implementation of separate stormwater charges, as approved by the City, these changes shall be applied to the subject properties.

- If required, easement rights shall be granted to the City to access/inspect/monitor control maintenance chambers and bulk water meters which are located outside of the City. The owner of the property would be responsible for all costs associated with the easement acquisition.
- The water and sewage services, which includes storm sewer and other drainage works shall be solely for the use of the subject property and current land use and shall not service other properties.
- The capital costs of any City infrastructure required to service the subject property shall be paid to the City prior to installation of services.

Upon Regional or local municipal water and/or sewage services, as applicable, become available in the future, the applicable services provided under the agreement would terminate.

In the event, to expedite construction, that the developers propose to undertake any of the necessary City works within the public road allowance such requests and, where acceptable, approvals will be addressed in accordance with the existing provisions of Chapters 681 (Sewers) and 851 (Water Supply) of the Municipal Code.

Future Cross Boundary Servicing Requests

It is expected that Toronto Water will receive future requests for water and sewage servicing from neighbouring municipalities. For example, the City of Vaughan Official Plan designates much of the lands on the north side of Steeles Avenue West as Low to High Rise Residential, mid-Rise Mixed Use, and General Employment.

Granting delegated authority to the General Manager of Toronto Water to negotiate and, where appropriate, to enter into and execute on behalf of the City such cross-boundary agreements would expedite the approval process. These requests are typically similar in nature and approval by the General Manager would be subject to the conditions noted in the Recommendations.

Acknowledging that owners of undeveloped land in the remaining area in Vaughan between Highway 427 and Kipling Avenue, identified as 'unserved area' on Attachment 1, may make similar requests for servicing, delegated authority to administer future requests is recommended to be given for a limited 5 year period expiring on December 31, 2022.

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SIGNATURE

Lou Di Gironimo
General Manager, Toronto Water

ATTACHMENTS

Attachment 1 – Three Proposed Development Sites in the City of Vaughan

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