



Considered by City Council on

December 5, 2017

December 6, 2017

December 7, 2017

December 8, 2017

Report Item

Public Works and Infrastructure Committee

PW24.3		Amended		Ward:All
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Utility Locate Services for Business Improvement Areas as Required by the Ontario Underground Infrastructure Notification Act (ON1Call)

City Council Decision

City Council on December 5, 6, 7 and 8, 2017, adopted the following:

1. City Council direct the City of Toronto to assume ownership of the Business Improvement Area underground infrastructure assets and include the Business Improvement Area locate services to be managed and administered by the General Manager, Transportation Services, as of February 1, 2018, or such earlier or later date(s) as the General Manager of Transportation Services considers appropriate in the circumstances, and that the Business Improvement Areas continue to maintain the infrastructure.
2. City Council fund 100 percent of the cost to administer the Business Improvement Area utility locate service, such funds to be considered as part of the 2018 budget process.
3. City Council direct that, effective as of the date the City assumes ownership of the Business Improvement Area underground infrastructure, Municipal Code Chapter 19, Business Improvement Areas, be amended to include a new section 5.6 to allow the City to impose a special charge on any unpaid amounts owing to the City, and to include a new Article 7 deeming the City to be the owner of the underground infrastructure and requiring the Business Improvement Areas to maintain the infrastructure, as set out in Appendix 1 to the report (October 16, 2017) from the General Manager, Economic Development and Culture, the General Manager, Transportation Services and the City Solicitor, subject to any necessary minor substantive or stylistic refinements as may be identified by the General Manager, Economic Development and Culture or the City Solicitor.
4. City Council direct that the confidential information contained in Confidential Attachment 1 to the report (October 16, 2017) from the General Manager, Economic Development and Culture, the General Manager, Transportation Services and the City Solicitor remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

Confidential Attachment 1 to the report (October 16, 2017) from the General Manager, Economic Development and Culture, the General Manager, Transportation Services and the City Solicitor remains confidential in its entirety in accordance with the provisions of the City of Toronto Act, 2006, as it contains advice which is subject to solicitor-client privilege.

Confidential Attachment - The receiving of advice that is subject to solicitor-client

privilege

Committee Recommendations

The Public Works and Infrastructure Committee recommends that:

1. City Council direct that the City of Toronto assume ownership of BIA underground infrastructure assets and include BIA locate services to be managed and administered by the General Manager, Transportation Services, as of February 1, 2018, or such earlier or later date(s) as the General Manager of Transportation Services considers appropriate in the circumstances, and that the BIAs continue to maintain the infrastructure.
2. City Council direct the General Manager, Transportation Services to administer BIA utility locate services on a cost-sharing basis, charging back the BIAs 50 percent of the actual costs attributed to each BIA on an annual basis and setting a provision for the City share as part of the 2018 budget process.
3. City Council direct that, effective as of the date the City assumes ownership of BIA underground infrastructure, Municipal Code Chapter 19, Business Improvement Areas, be amended to include a new section 5.6 to allow the City to impose a special charge on any unpaid amounts owing to the City, and to include a new Article 7 deeming the City to be the owner of the underground infrastructure and requiring the BIAs to maintain the infrastructure, as set out in Appendix 1 to the report (October 16, 2017) from the General Manager, Economic Development and Culture, the General Manager, Transportation Services and the City Solicitor, subject to any necessary minor substantive or stylistic refinements as may be identified by the General Manager of Economic Development and Culture or the City Solicitor.
4. City Council direct that the confidential information contained in Confidential Attachment 1 to the report (October 16, 2017) from the General Manager, Economic Development and Culture, the General Manager, Transportation Services and the City Solicitor remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

Origin

(October 16, 2017) Report from the General Manager, Economic Development and Culture, the General Manager, Transportation Services and the City Solicitor

Summary

The purpose of this report is to recommend that the City assume ownership of all underground infrastructure assets owned by the Business Improvement Area (the "BIAs") boards of management and assume responsibility for BIA utility locate services through the City's existing service contract, as of February 1, 2018 or such earlier or later date(s) as may be determined by the General Manager of Transportation Services. This would facilitate compliance with Ontario Underground Infrastructure Notification Act, 2012 (the "Act") and safe and timely responses to utility locate requests. The City would perform this work on behalf of the BIAs on a cost-sharing basis, charging back the BIAs 50 percent of the actual costs attributed to their BIA. It is estimated that the total additional costs associated with BIA locate requests could range from \$331,000 to \$553,000 (gross) annually.

Providing utility locate services has proven to be a financial and administrative burden to BIAs resulting in the inconsistent provision of locate services and which may also result in delays to utility infrastructure projects. ON1Call advises that some BIAs are refusing to provide these services or are not meeting required timelines, and therefore are in breach of the Act. Failure to meet these requirements may result in enforcement action by ON1Call.

While this report recommends the City assume this responsibility on a 50 percent cost-recovery basis, BIAs will be relieved of the costly and time-consuming administration of the service and should benefit from lower locate costs as a result of being part of the larger City contract.

Background Information (Committee)

(October 2, 2017) Report from the General Manager, Economic Development and Culture on Utility Locate Services for Business Improvement Areas as Required by the Ontario Underground Infrastructure Notification Act (ON1Call) - Notice of Pending Report

<http://www.toronto.ca/legdocs/mmis/2017/pw/bgrd/backgroundfile-107585.pdf>

(October 16, 2017) Report and Appendix 1 from the General Manager, Economic Development and Culture on Utility Locate Services for Business Improvement Areas as Required by the Ontario Underground Infrastructure Notification Act (ON1Call)

<http://www.toronto.ca/legdocs/mmis/2017/pw/bgrd/backgroundfile-107966.pdf>

Confidential Attachment 1 - Confidential Information and Advice from the City Solicitor

Communications (City Council)

(November 18, 2017) E-mail from Buzz Brackenreid (CC.Main.PW24.3.1)

(December 5, 2017) Letter from Peter McClelland, Chair, Forest Hill Village Business Improvement Area (CC.New.PW24.3.2)

<http://www.toronto.ca/legdocs/mmis/2017/cc/comm/communicationfile-74382.pdf>