

**Supplementary Report from the City Solicitor - Getting  
to the Root of the Issues: A Follow-Up to the 2019  
Tree Maintenance Services Audit - Legal Advice**

**Date:** March 30, 2021

**To:** City Council

**From:** City Solicitor

**Wards:** All

**REASON FOR CONFIDENTIAL INFORMATION**

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This report is about litigation or potential litigation that affects the City of Toronto.

The attachment to this report contains advice or communications that are subject to solicitor-client privilege.

**SUMMARY**

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This report supplements the report from the Auditor General "Getting to the Root of the Issues: A Follow-Up to the 2019 Tree Maintenance Services Audit", being Item AU8.6, which was considered by Audit Committee on February 16, 2021.

This Supplementary Report provides related legal advice.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.

2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, at the discretion of the City Solicitor, but that the remainder of Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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The financial impact of adopting this report is included in the Confidential Attachment.

## **DECISION HISTORY**

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On May 14, 2019 City Council adopted AU2.4 - Review of Urban Forestry - Ensuring Value for Money for Tree Maintenance Services, which directed the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor and the Chief Purchasing Officer, to conduct a review of the tree maintenance contracts referenced in the report (April 26, 2019) from the Auditor General, in order to determine if the City can pursue legal action against the vendors to recover any monies, or to consider suspending any of the vendors from future work.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.AU2.4>

On July 28 and 29, 2020 City Council adopted IE14.8 - Ensuring Value for Money for Tree Maintenance Services - Update and Legal Advice, which amongst other matters, requested that the Auditor General report further on the matter, resulting in AU8.6.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.IE14.8>

On February 16, 2021 the Audit Committee considered a report from the Auditor General "Getting to the Root of the Issues: A Follow-Up to the 2019 Tree Maintenance Services Audit", dated February 2, 2021.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.AU8.6>

## **COMMENTS**

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The City Solicitor has reviewed the Auditor General's Report, "Getting to the Root of the Issues: A Follow-up to the 2019 Tree Maintenance Services Audit" and the Audit Committee's decision AU8.6.

Confidential Attachment 1 provides legal advice and seeks further direction in relation to this matter. It is necessary to maintain confidentiality to protect the City's legal interests. The information contained in Confidential Attachment 1 is subject to solicitor-client privilege.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor  
Legal Services

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Information