REPORT FOR ACTION

Update on the Rivercrest Artificial Ice Rink State-of-Good-Repair Project

Date: June 4, 2021
To: Etobicoke York Community Council
From: General Manager, Parks Forestry and Recreation
Wards: Etobicoke North

SUMMARY

At the May 17, 2021 meeting of Etobicoke York Community Council, Parks, Forestry and Recreation (PFR) was directed to report to its June 22, 2021 meeting with an update on the state of good repair work scheduled for Rivercrest Artificial Ice Rink (AIR), including a detailed explanation of the delays that have occurred over the last three years, and the feasibility of completing the work in advance of this upcoming Winter season. This report provides an update on the status of the Rivercrest Artificial Ice Rink Project (the Project) and addresses the delays that the Project has encountered as well as the feasibility of completing the work in advance of the 2021-2022 winter season.

RECOMMENDATIONS

The General Manager, Parks Forestry and Recreation recommends that:

1. The Etobicoke York Community Council receive this report for information.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendation in this report.

The 2021 Council Approved Capital Budget and 2022-2030 Capital Plan for PFR includes $1.827 million in cash flow in 2021 for the state of good repair rehabilitation of Rivercrest Artificial Ice Rink through the Capital Asset Management Program (CAMP) Arenas (and Artificial Ice Rinks) capital project.

Contingent upon the progress of the overall project including procurement and construction timeline, any unspent 2021 cash flow funding will be carried forward to 2022 in order to provide necessary cash flow spending authorities for PFR to complete the Project.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the Financial Impact section.

DECISION HISTORY

At its May 17, 2021 meeting, Etobicoke York Community Council requested the General Manager, Parks, Forestry and Recreation to report to the June 22, 2021 meeting of Etobicoke York Community Council with an update on the state of good repair work scheduled for Rivercrest Rink, including a detailed explanation of the delays that have occurred over the last three years, and the feasibility of completing the work in advance of the upcoming 2021-2022 Winter season.

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EY24.24

COMMENTS

Background - Origin of Project

The Rivercrest AIR is a City facility located on property owned by the Toronto District School Board (TDSB). The AIR has been operated by the City since the early 1970s for skating in the winter and as a tennis court in the off-season.

At the beginning of the 2017-2018 season, PFR identified a leak in piping to the evaporative condenser that needed to be fixed in order to make ice for the rink to operate. The piping was replaced by PFR and the rink was able to operate during that season. In the 2018-2019 season, the evaporative condenser itself failed. PFR investigated the extent of work required to make additional repairs, but due to safety concerns and the extent of work required, the required repairs could not be made and the facility could not be opened.

Staff undertook a review of the facility to determine if an upgrade could be completed that would allow the AIR to operate for the 2019-2020 season. However, the age and deteriorated condition of the refrigeration equipment and a compromised rink slab made this unworkable. Based on this review, a decision was made to advance a full rink rehabilitation that had been planned for 2022-2023. As rink rehabilitation project typically take two years to design, tender and construct, the aim was to accelerate the work in 2019-2020 and target reopening for the 2020-2021 skating season.

Lease Negotiations with Land Owner

While the Project was underway, PFR staff advanced the negotiation of a lease (the Lease) with the TDSB in order to protect the City's investment and ensure the facility's continued operation. Staff commenced negotiations with the TDSB in May 2019 with the goal of completing a lease agreement prior to tendering construction in early 2020. Since the original target date was set, delays have occurred related to required due diligence, staff turnover, and the COVID-19 Pandemic.

In 2018, prior to beginning the Lease negotiations, PFR and TDSB staff had begun negotiating a similarly-structured lease agreement at another TDSB-owned property for a community pool that was to become the template for future leases between the City and TDSB, including the Lease. Although the City and TDSB are very close to executing the pool lease, negotiations have been challenging and have taken over three years.

One of the primary obstacles of this type of lease between the City and TDSB relates to responsibility for environmental contamination. The lease requires the City to assume responsibility for the condition of the lands, including when the City's occupation of the sites precedes formal documentation of the arrangement. In order for the City to determine its responsibilities with respect to contamination and remediation at these sites, the City must undertake sufficient due diligence through environmental testing.

To minimize delays, tests were undertaken at both the pool site and the AIR location simultaneously. At both locations, PFR carried out environmental testing in coordination with the TDSB. Despite best efforts, some delays were experienced due to the COVID-19 Pandemic. After concluding the tests in late April 2021, PFR re-engaged City Legal Services to proceed with the Lease negotiations and anticipates reaching an agreement with TDSB in Q3 of 2021 pending TDSB approval.

In negotiations between the City and TDSB, each party is responsible for protecting its interests while adhering to separate policies. Finding alignment can be a complicated and lengthy process. Further, legislative requirements with respect to approving and executing lease agreements result in lengthened timelines beyond what might be experienced in other negotiations. In the case of the Lease, that alignment has been found and the remaining items are transactional in nature. Execution of the Lease is not anticipated to be an issue.

Capital Project - Design, Tendering and Construction

The design of the Project proceeded as usual with minor delays related to coordination with the TDSB. The TDSB has enacted new procedures related to drawing and specification review and approval and changed their criteria dictating which projects necessitate the TDSB taking on tendering and construction on the Tenant's behalf, thereby triggering a different process for Project delivery. The COVID-19 Pandemic also led to a temporary closure of the Project Consultant's office, resulting in a delay to incorporating pre-tender review comments into the drawings.

Current Status Update on the Overall Project

Environmental testing has been completed on site. The construction project has been put out to tender and closed on June 1, 2021. Providing there is a valid bid to be awarded, PFR staff will proceed with the process for award, but the Lease will need to be signed before the contract is awarded per TDSB requirements.

Feasibility of Completing the Work in Advance of the 2021-2022 Season

At this time, the feasibility of completing construction in advance of the 2021-2022 season (by early December), is unlikely. Once the contract has been awarded and signed with a contractor, a project timeline will be prepared and shared with the local Councillor and the community. Staff will look at the feasibility of advancing the Project to provide access to the AIR in early 2022, however this is contingent on no major issues/delays during construction.

Conclusion and Next Steps

The ability to open the AIR for part of the 2022 winter season is contingent on several factors including: the response to the tender and subsequent construction contract award; the successful execution of the Lease with TDSB; the successful contractor's project timeline; and no unforeseen issues arising during construction.

Staff will ensure that tender bids are reviewed in a timely manner and that the award process is expedited to ensure construction can commence as soon as possible. As soon as a project timeline for construction has been prepared it will be shared with the local Councillor and the community.

CONTACT

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SIGNATURE

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