

Claims for Damage to Toronto Water Infrastructure at 45 Bulwer Street and 160 Front Street West

Date: October 13, 2023

To: General Government Committee

From: City Solicitor

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies, boards and commissions.

This report also contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

This report is about two separate legal claims the City has commenced in respect of City-owned sewers that the City claims were damaged by adjacent construction work.

In respect of 45 Bulwer Street, the City is claiming damages against the owners and parties who performed work for a construction project at 45 Bulwer Street.

In respect of 160 Front Street West, the City is claiming damages against the owners, contractors, and consultants for a construction project at 160 Front Street West.

Confidential Attachment 1 contains legal advice from the City Solicitor regarding the litigation.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to this report from the City Solicitor;

2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, if adopted by City Council; and
3. City Council direct that the balance of Confidential Attachment 1 to this report from the City Solicitor remain confidential as it contains advice about litigation or potential litigation that affects the City of Toronto and contains advice or communications that are subject to solicitor-client and litigation privilege.

FINANCIAL IMPACT

The financial implications are discussed in Confidential Attachment 1.

DECISION HISTORY

The City Solicitor has not previously reported on the litigation discussed in this report.

COMMENTS

45 Bulwer Street action

The City has commenced a legal claim for damage to a City-owned sewer adjacent to 45 Bulwer Street, Toronto. The defendants were the owners or performed construction work for a construction project at 45 Bulwer Street. The City claims that the defendants damaged an adjacent City-owned sewer through their construction activities. The City incurred damages to repair the sewer.

160 Front Street West action

The City has commenced a legal claim for damage to a City-owned sewer service adjacent to 160 Front Street West, Toronto. The defendants are developers/owners, contractors, and consultants for a 46-storey tower at 160 Front Street West. The City claims that the defendants damaged an adjacent City-owned sewer service through their construction activities. The City incurred damages to repair the sewer service.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 – Confidential Instructions to Staff