

Metrolinx Scarborough Subway Extension - Authority to Enter into Agreements for Temporary Retaining Walls and Other Support Structures

Date: June 17, 2026

To: Scarborough Community Council

From: Acting Deputy General Manager, Transportation Services

Wards: 20 - Scarborough Southwest, 21 - Scarborough Centre, 23 - Scarborough North, 24 - Scarborough – Guildwood

SUMMARY

This report seeks City Council authority to enter into one or more agreements with Metrolinx respecting temporary retaining walls and other similar structures and installations required within the City road right-of-way for construction of the Scarborough Subway Extension (SSE) project.

Metrolinx identified several locations where temporary retaining walls are required to facilitate traffic diversions, excavation activities, and associated construction works. The temporary retaining walls will be constructed, maintained and removed by Metrolinx as part of the SSE project, with the affected portion of the road right-of-way restored upon completion of the works.

Transportation Services staff have determined that the delegated authority provisions under Chapter 743, Use of Streets and Sidewalks, of the Toronto Municipal Code do not clearly contemplate agreements for temporary retaining walls and other similar structures and installations located entirely within the public road right-of-way.

The proposed agreements will establish Metrolinx's responsibilities with respect to the design, construction, inspection, maintenance, monitoring, insurance, indemnification, removal, and restoration of the temporary structures. The recommendations in this report authorize the General Manager, Transportation Services, in consultation with the City Solicitor, to negotiate, enter into, amend, and execute such agreements with Metrolinx.

RECOMMENDATIONS

The Acting Deputy General Manager, Transportation Services, recommends that:

1. City Council authorize the General Manager, Transportation Services, in consultation with the City Solicitor and other appropriate City officials, to negotiate, enter into, execute, amend, administer agreements with Metrolinx respecting temporary retaining walls and other similar structures and installations installed wholly within the City road right-of-way and required for construction of the Scarborough Subway Extension project, including provisions respecting design, construction, access, inspection, monitoring, maintenance, insurance, indemnification, liability, removal, restoration, and other related matters, on terms satisfactory to the General Manager, Transportation Services and in a form satisfactory to the City Solicitor.

2. City Council direct that the agreements contemplated in Recommendation 1 include indemnification and hold harmless provisions in favour of the City, on terms satisfactory to the General Manager, Transportation Services and the City Solicitor, respecting any claims (including third party claims), damages, costs, losses, and liabilities arising from or related to the temporary retaining walls and associated construction activities.

FINANCIAL IMPACT

The recommendations in this report have no direct financial impact on the City.

The costs associated with the design, construction, inspection, maintenance, monitoring, removal, and restoration of temporary retaining walls required for the Scarborough Subway Extension project will be borne by Metrolinx.

The agreements contemplated by this report will establish Metrolinx's responsibilities with respect to the temporary retaining walls and will provide the City with appropriate insurance, indemnification, and protection from liabilities associated with the structures and related construction activities.

DECISION HISTORY

There are no previous City Council or Community Council decisions directly related to the authority requested in this report respecting agreements for temporary retaining walls required for construction of the Scarborough Subway Extension project.

COMMENTS

The Scarborough Subway Extension (SSE) is a major rapid transit expansion project being delivered by Metrolinx that will extend Line 2 Bloor-Danforth approximately 7.8 kilometres from Kennedy Road to Sheppard Avenue East, including new stations at McCowan Avenue and Lawrence East, McCowan Avenue and Progress Avenue, and McCowan Avenue and Sheppard Avenue.

As part of the design and construction of the SSE, Metrolinx has identified several locations where temporary retaining walls are required wholly within the City road right-of-way to facilitate construction activities, including roadway diversions, excavation

support, and slope stabilization. These temporary structures are required to support delivery of the project and are not intended to remain in place following completion of the associated construction works.

One such location is at the Scarborough Centre Station area near the intersection of McCowan Road and Progress Avenue, where a temporary retaining wall is required to facilitate construction of the station and associated roadway diversion. Another location is at the Kennedy Box Structure site near Eglinton Avenue East and Midland Avenue, where a temporary retaining wall is required to support the Eglinton Avenue East traffic diversion and construction access arrangements associated with the project. Metrolinx has advised that additional temporary retaining walls may be required as detailed design and construction of the SSE progresses.

These temporary retaining walls are construction support structures that will be located entirely within the public road right-of-way and are required solely for the purpose of facilitating SSE construction activities. Unlike permanent retaining walls or other permanent infrastructure that remain within the road right-of-way following completion of a project, these temporary structures will be removed by Metrolinx once they are no longer required and the affected portion of the road right-of-way will be restored to the satisfaction of the City.

Transportation Services staff have reviewed the proposed approach and determined that agreements are required to clearly establish Metrolinx's responsibilities with respect to design, construction, inspection, maintenance, insurance, indemnification, removal, and restoration associated with these temporary structures.

Accordingly, City Council authority is required to permit the City to enter into agreements with Metrolinx respecting temporary retaining walls and similar temporary construction support structures required for delivery of the Scarborough Subway Extension project.

Providing this authority will establish a clear governance framework for these temporary retaining walls and other similar structures and installations associated with the SSE project and avoid the need for separate approvals for each individual structure. Any agreements entered into pursuant to the requested authority will require Metrolinx, at its sole cost and expense, to design, construct, inspect, maintain, monitor, remove, and restore the temporary works and to indemnify and insure the City to the satisfaction of the City Solicitor and the General Manager, Transportation Services.

The requested authority will facilitate the timely delivery of the SSE project while ensuring that the City's interests are appropriately protected.

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SIGNATURE

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