



Exhibition Place

Item No. 12

November 14, 2013

To: The Board of Governors of Exhibition Place

ACTION REQUIRED

From: Dianne Young, Chief Executive Officer

Subject: **Letters of Understanding with City of Toronto**

Summary:

This report seeks approval of Letters of Understanding between the Board and the City of Toronto with respect to the maintenance, repair and renewal of sewers and watermains located on the Exhibition Place grounds.

Recommendation:

It is recommended that the Board seek City Council approval to allow the Board and the City of Toronto to enter into Letters of Understanding with respect the maintenance, repair and renewal of sewers and watermains located on the Exhibition Place grounds, and delegate authority to the Chief Executive Officer and the General Manager, Toronto Water, to enter into such Letters of Understanding.

Financial Impact:

It is estimated that this agreement will result in substantial savings to Exhibition Place Capital Program related to the water/sewage infrastructure. At present, Exhibition Place and its tenants pay an annual infrastructure cost to the City of approximately \$280,000. However, while this levy was paid to the City, the Board was also wholly responsible for the cost of repairs and replacements of the same infrastructure as part of its Operating and Capital Programs.

Decision History:

The Exhibition Place 2009 - 2012 Strategic Plan had an Infrastructure Goal to *Sustain our public assets and rolling equipment* and as a Strategy to support this Goal we will *develop a 10-year capital upgrade plan for underground services*.

At a meeting of the City Budget Committee on March 31, 1998, it was recommended that the water and wastewater system at Exhibition Place be considered part of the City of Toronto's infrastructure.

Issue Background:

Many of the major watermains and sewers located at Exhibition Place serve areas other than just the buildings and grounds of Exhibition Place. However, for historical reasons, this infrastructure was not included within the Capital Program for Toronto Water even though, Exhibition Place was levied an infrastructure charge by Toronto Water of approximately

\$280,000 annually. This issue was first raised by Exhibition Place in 1998 during the review of its Capital Program and the parties have now reached an agreement on the responsibility for the maintenance, repair and renewal of watermains and sewers at Exhibition Place commencing on January 1, 2014.

Comments:

The parties have negotiated the terms and conditions of one Letter of Understanding, with further letters to be negotiated as needed. The agreement negotiated to date reflects a joint management of the watermains and sewers at Exhibition Place. Those watermains and sewers that are major pieces of infrastructure serving both Exhibition Place and areas outside Exhibition Place will be maintained, repaired and renewed by Toronto Water. The watermains and sewers that specifically serve only the buildings and structures at Exhibition Place will continue to be maintained, repaired and renewed by Exhibition Place. The terms and conditions of that Letter of Understanding are set out in Appendix 1 to this report. Watermains and sewers that run beneath Exhibition Place buildings or other structures shall remain the responsibility of Exhibition Place until the parties can negotiate the terms and conditions related to this particular infrastructure and enter another Letter of Understanding as early as 2015.

The General Manager, Toronto Water has been consulted and is in agreement with the recommendations in this report..

Contact:

Dianne Young, CEO

Tel: (416) 263-3611

Fax: (416) 263-3690

Email: dyoung@explace.on.ca

Submitted by:

Dianne Young
Chief Executive Officer

Appendix "A"
Draft Terms and Conditions of Letter of Understanding

1. The parties have agreed to the location of all sanitary sewers; storm sewers; combined sewers; and overflow sewers located at Exhibition Place and agreed which of this sewer infrastructure will be assumed by the City for maintenance, repair and renewal (the "City Sewers") and which will remain the responsibility of the Board which includes but is not limited to all lateral sewer connections, catchbasins and their leads and other sewer connections (the "Board Sewers").
2. The parties have agreed to further review and enter into a subsequent letter of intent for those sewers that have buildings or other encroachments over them (the "Encroached Sewers"). Until then, Encroached Sewers remain the responsibility of the Board.
3. The parties have agreed with the location of all watermains at Exhibition Place and agreed which watermains the City will assume maintenance, repair and renewal excluding all water service connections (the "City Watermains"). All other watermains which specifically service buildings, concession stands, parking lots, open spaces, fountains and hydrants, remain the property and responsibility of the Board (the "Board Watermains"). All water valves, valve chambers and their leads, and fire hydrants and their leads, which are connected to the "City Watermains" will be the responsibility of the City.
4. The parties have agreed to further review and enter into a subsequent letter of intent for those watermains that have buildings or other encroachments over them (the "Encroached Watermains"). Until then, the Encroached Watermains remain the responsibility of the Board.
5. The Sewers Map and Watermains Map are based on the best available information from the Board at this time. CCTV and other field inspections will provide additional information that may necessitate revisions to the maps to accurately reflect the infrastructure and associated responsibilities of the Board and the City. Any currently identified City Sewers or City Watermains that are found to be encroached upon are deemed to be Encroached Sewers or Encroached Watermains with responsibility with the Board unless a letter of understanding is entered into.

Responsibilities of the Parties

6. Except as otherwise set out in this Letter of Understanding:
 - a) The City is solely responsible, at its cost, for the maintenance, repair and renewal of the City Sewers and City Watermains ("City Sewers and Watermains"), and for carrying out temporary restoration only on all excavations, including notification of its activities to the Board; and
 - b) The Board is solely responsible, at its cost, for the maintenance, repair and renewal of the Board Sewers and Board Watermains ("Board Sewers and Watermains"), including notification of its activities to the City.
 - c) The City and Board will work cooperatively to ensure, the terms and conditions of a Letter of Understanding with respect to the Encroached Sewers and Encroached Watermains are completed as early as 2015.
7. Pursuant to its responsibilities as set out above, the City will:
 - a) Undertake a condition assessment, including CCTV (as part of its multi-year program) and other field inspections, of the City Sewers and Watermains to determine their condition and identify any required maintenance, repair and renewal.
 - b) Establish a schedule in consultation with the Board for such maintenance; the schedule to be agreed upon in writing, having regard to the Board's scheduling of shows and events at Exhibition Place.

- c) Pending completion of a condition assessment, establish in accordance with normal Toronto Water procedures, a multi-year State of Good Repair Capital Budget, updated annually, for renewal of the City Sewers and Watermains to be included in Toronto Water's Capital Works budget, in consultation with the Board.
 - d) Undertake emergency renewals of City Sewers and Watermains as provided for in the City's Financial Control Bylaw.
 - e) Attend to any emergency repair of the City Sewers and Watermains as soon as possible having regard for the business requirements of Exhibition Place and its tenants and otherwise in accordance with Toronto Water's standard practice.
 - f) Operate and maintain all hydrants and leads directly connected to the City Watermains only.
8. Pursuant to above, the Board will:
- a) Advise the City by calling 311 anytime it becomes aware of any unexpected failure of the City Sewers and Watermains that requires emergency repair, so that the City may address such failure as soon as possible.
 - b) Maintain, repair and renew all Board Sewers and Watermains as required to achieve State of Good Repair, and on an annual basis inform the City of such activities.
 - c) Continue to be responsible for all Encroached Sewers and Encroached Watermains until such time as per paragraph 7(g) above separate letters of understanding are entered into with the City to stipulate the terms and conditions of their maintenance, repair and renewal.
 - d) Ensure that there will be no placement of any new encroachments over top of City Sewers and Watermains within 3 metres on either side of the City Sewers and Watermains.
 - e) Comply with Toronto Municipal Code Chapter 681 – Sewers, and Chapter 851 – Water Supply.
 - f) Provide a manhole or cleanout, and water shutoff valve on all Board Sewers and Watermains immediately upstream of any connection to the City Sewers and Watermains, in accordance with the City's Design Criteria for Sewers and Watermains, to the satisfaction of the City, by the end of 2014.
 - g) Ensure that the water used by all buildings, fountains, concession stands, etc. is properly metered and that all possible cross-contamination are equipped with approved backflow prevention devices according to Toronto Municipal Code Chapter 851 – Water Supply. Where there are no meters, the Board shall promptly arrange for the installation of meters with Toronto Water Operational Support.
 - h) To the best of its ability, provide a response to a request by the City for the following information in respect of City Sewers and Watermains:
 - i. history of repairs and renewal over the last ten years;
 - ii. current operation of existing infrastructure by the Board under any specific licensing requirements related to Provincial legislation or regulations, such as Safe Drinking Water Act, etc. and results of any reporting requirements;
 - iii. MOE Certificates of Approval for constructed infrastructure;
 - iv. extent of current maintenance program by the Board;
 - v. general maintenance reports involving catchbasin cleaning, sewer flushing/cleaning, hydrant and valve inspection and testing, etc.;
 - vi. engineering reports describing the functionality, design, performance, etc. of infrastructure;
 - vii. engineering drawings for sewers and watermains, indicating length, depth, age of infrastructure, type of material, etc.;
 - viii. special operating requirements such as welding manhole lids during auto racing events, etc.;

- ix. presence and location of particular infrastructure such as submerged storm sewers, flap gates, weirs, siphons, pumps, oil-grit separators, grease traps, etc.
- x. incidences of surface or basement flooding;
- xi. evidence of cross connections within buildings/dye testing results;
- xii. watermain break information; and
- xiii. presence of lead services, cathodic protection.