

Section II – Items for Executive Action

TO: Chair and Members of the Executive Committee
Meeting #4/18, Friday, June 08, 2018

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **SCARBOROUGH WATERFRONT PROJECT**
Legal Services – Land Securement (CFN 51351)

KEY ISSUE

Award of contract for legal services relating to land securement for the Scarborough Waterfront Project.

RECOMMENDATION

THAT the contract for legal services relating to the initial phase of land securement for the Scarborough Waterfront Project be awarded to Borden Ladner and Gervais (BLG) at a total cost not to exceed \$123,000, plus disbursements, plus HST;

AND FURTHER THAT authorized Toronto and Region Conservation Authority (TRCA) officials be directed to take any action necessary to implement the agreement including obtaining any required approvals and the signing and execution of documents.

BACKGROUND

Ultimately, the Scarborough Waterfront Project (SWP) will provide formal public access along a currently inaccessible area of the Scarborough waterfront between Bluffer's Park and East Point Park, while comprehensively addressing the risks to public safety and public property, and enhancing the natural heritage system.

At Authority Meeting #6/17, held on July 28, 2017, Resolution #A127/17 was approved as follows:

THAT the concept design for the Refined Preferred Alternative as identified in the Individual Environmental Assessment for the Scarborough Waterfront Project be endorsed;

THAT the Technical Advisory Committee and Stakeholder Committee be thanked for their involvement and contribution throughout the Scarborough Waterfront Project Environmental Assessment process;

AND FURTHER THAT direction be given to proceed to City of Toronto Council for approval to submit the final Environmental Assessment Report to the Ministry of the Environment and Climate Change.

The planned scope of the SWP includes shoreline erosion control and shoreline treatments for habitat creation, infrastructure protection, water quality improvements as well as nature-based recreation and a publicly accessible multi-use trail for pedestrians and cyclists along an 11 km-long stretch of shoreline that is currently restricted in sections by private property and critical infrastructure. It may be necessary to acquire either land, water lots or riparian rights from 19 private properties in the area for the project to proceed.

Item 9.1

At the City of Toronto Council meeting of May 22 to 24, 2018, TRCA received authorization to submit the final Environmental Assessment (EA) report to the Ministry of the Environment and Climate Change (MOECC). The final Scarborough Waterfront Project EA submission to MOECC is anticipated in mid-June 2018. MOECC's review and final decision may take 12-15 months.

RATIONALE

While it is expected that some property acquisitions will be straightforward, some may be challenging and complex. To address these complexities TRCA staff are recommending that the legal services related to acquisition be provided by Steven Waque of Borden Ladner and Gervais. BLG is an exceptionally experienced firm who has acted previously on behalf of TRCA on land acquisition matters. BLG is capable of providing extensive experience and creative solutions to land securement and expropriation related problems. Also, if hearings or legal proceedings are necessary Mr. Waque has had a great deal of experience appearing at hearings and in processes related to land acquisition matters. As a result of the above, staff is recommending that TRCA retain and use Mr. Waque of BLG to provide legal services throughout the initial phase of what will likely be a difficult land securement process.

Therefore, TRCA staff recommends awarding the contract on a preferred source basis as per Section 9.3 3. of TRCA's Purchasing Policy as follows:

The required goods and services are to be supplied by a particular vendor or supplier having special knowledge, skills, expertise or experience that cannot be provided by any other supplier.

FINANCIAL DETAILS

The amount of work involved with land securement cannot be determined until negotiations have begun. Staff will engage BLG for the initial land securement negotiations related to the most complex acquisition sites. If land securement is straightforward, further services may not be required. If land securement is challenging, staff may require an additional report to request further services. BLG will provide title searching services, environmental assessment and value engineering advice, as well as support in preparing offers and concluding real estate transactions. Staff is of the opinion that BLG fees represents good value for the work requested. Funds for this work are available from the City of Toronto in the Scarborough Waterfront Project - Property account 204-15.

Report prepared by: Brandon Hester, extension 5767,

Emails: bhester@trca.on.ca

For Information contact: Brandon Hester, extension 5767, Mike Fenning, extension 5223

Emails: bhester@trca.on.ca, mfenning@trca.on.ca

Date: May 14, 2018