

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Friday, June 11, 2021 Meeting

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: BELL CANADA
Request for Permanent Easement Required to Relocate Existing Communication Conduits. City of Toronto, Don River Watershed (CFN 60729)

KEY ISSUE

Receipt of a request from Bell Canada, for a permanent easement required to relocate existing communication conduits, located south of Adelaide Street East and west of the Don River, municipally known as 155 Bayview Avenue, in the City of Toronto, Don River watershed.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT WHEREAS the Toronto and Region Conservation Authority (TRCA) is in receipt of a request from Bell Canada for a permanent easement required to relocate existing communication conduits, located south of Adelaide Street East and west of the Don River, municipally known as 155 Bayview Avenue, in the City of Toronto, Don River watershed;

AND WHEREAS it is in the best interest of TRCA in furthering its objectives as set out in Section 20 of the *Conservation Authorities Act* to cooperate with Bell Canada in this instance;

THEREFORE, LET IT BE RESOLVED THAT a permanent easement containing 0.02 hectares (0.04 acres), more or less, of vacant land, required to relocate existing communication conduits, said land being part of Block 9, Plan 66M-2473 and designated as Parts 1-5 (inclusively) on draft plan by J.D. Barnes Ltd., Reference No. 19-12-413-00, and as Parts 1-5 (inclusively) on draft plan by J.D. Barnes Ltd., Reference No.19-12-413-00, in the City of Toronto, be conveyed to Bell Canada;

THAT the permanent easement fee as agreed upon between TRCA and Bell Canada and that all legal, survey and other costs be paid by Bell Canada;

THAT Bell Canada fully indemnify TRCA from any and all claims from injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from this permanent easement or the carrying out of construction;

THAT an archaeological investigation be completed, with any mitigation measures being carried out to the satisfaction of TRCA staff, at the expense of Bell Canada;

THAT a permit pursuant to Ontario Regulation 166/06, as amended, be obtained by Bell Canada prior to the commencement of construction;

THAT all TRCA lands disturbed by the proposed works be revegetated/stabilized following construction and where deemed appropriate by TRCA staff, a landscape plan be prepared for TRCA staff review and approval in accordance with existing TRCA

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landscaping guidelines, at the expense of Bell Canada;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

BACKGROUND

Bell Canada has requested a permanent easement across TRCA-owned lands required to relocate existing communication conduits, located south of Adelaide Street East and west of the Don River, municipally known as 155 Bayview Avenue, in the City of Toronto, Don River Watershed.

Currently, the existing Bell communication conduits are suspended over the Don River within an existing concrete utility bridge owned by Enbridge Gas Inc. The utility bridge has been identified by TRCA as susceptible to flooding by the Don River. In 2019, TRCA issued a permit for Enbridge to construct an underground microtunnel to facilitate the relocation of their NPS 30 from the existing suspended concrete bridge to underneath the Don River. Enbridge is required to decommission and remove the existing concrete utility bridge once their infrastructure is relocated. In order, to decommission the suspended concrete bridge, Bell is required to also remove their communication conduits and relocate them elsewhere. The proposed Bell communication conduit will be located on TRCA and City of Toronto lands within the Enbridge NSP 30 micro-tunnel that was just built and Flood Protection Landform Lands.

The subject TRCA-owned lands were acquired from Infrastructure Ontario, on June 26, 2015 under the Greenlands Acquisition Project for 2011-2015. Some corrections to clarify the registered ownership of the lands are currently underway, and TRCA will transfer the easement to Bell after those updates are reflected on title of the affected properties.

Plantings

All lands disturbed by construction will be stabilized and, where deemed appropriate by TRCA staff, revegetated with native woody and herbaceous plant material in accordance with existing TRCA landscaping guidelines. A landscape plan will be included as part of the permit application submission.

Attachment 1 is a sketch illustrating the proposed location of the permanent easement.

Attachment 2 is an orthophoto illustrating the proposed location of the permanent easement.

RATIONALE

The granting of the permanent easement to Bell Canada will allow Enbridge Gas Distribution to remove the Don Valley Utility Bridge. The removal of the Don Valley Utility Bridge ultimately helps improve flood conditions in the area of the lower Don River valley.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies priority set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

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FINANCIAL DETAILS

The easement fee is based on a market value appraisal by D. Bottero & Associates Limited. Bell has requested due to the nature of the negotiations, that the amount of the easement fee remain confidential to the public. It is proposed that the unrestricted easement fees be utilized as TRCA considers proper, in the pursuit of furthering its mandate.

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Date: May 14, 2021

Attachment 1: Site Plan

Attachment 2: Orthophoto