
REPORT TITLE: Boundary Maintenance Agreement between the Region of Peel and the City of Toronto for the Queensway Bridge

FROM: Andrea Warren, Interim Commissioner of Public Works

RECOMMENDATION

That the Region of Peel enter into a Boundary Maintenance Agreement with the City of Toronto for the maintenance and repair of the Queensway Bridge over Etobicoke Creek for a term of 10 years, from January 1, 2020 to December 31, 2029, on business terms satisfactory to the Commissioner of Public Works and on legal terms satisfactory to the Regional Solicitor;

And further, that a by-law be presented for enactment authorizing the Regional Clerk to execute the subject Boundary Maintenance Agreement.

REPORT HIGHLIGHTS

- The previous Boundary Maintenance Agreement between the Region of Peel and the City of Toronto for the maintenance and repair of the Queensway Bridge over Etobicoke Creek was approved on May 14, 2008 under the former Document Execution By-law 39-2001, for a term commencing January 1, 2008 to January 1, 2018 (the “Original Agreement”). The parties have continued to honour the Original Agreement until the terms of the new agreement were mutually agreed upon.
- The need for a new agreement has been triggered by major rehabilitation needs identified for the Queensway Bridge over the next few years.
- At this time, Regional Council approval is required to authorize a new agreement with the City of Toronto for another term of 10 years, from January 1, 2020 to December 31, 2029.

DISCUSSION

On May 14, 2008, the Region of Peel and the City of Toronto entered into a Boundary Maintenance Agreement for the maintenance and repair of the Queensway Bridge over Etobicoke Creek which is under joint jurisdiction. The agreement was approved under the previous Document Execution By-law 39-2001 for a term commencing January 1, 2008 to January 1, 2018 (the “Original Agreement”). The parties have continued to honour the Original Agreement until the terms of the new agreement were mutually agreed upon.

More recently, major rehabilitation needs have been identified for the Queensway Bridge that will be required over the next few years, such as repairs to the bridge deck, abutment and piers. This situation has triggered the need for a new agreement to clarify roles and responsibilities with respect to these needs.

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Staff from the Region of Peel and the City of Toronto undertook negotiations throughout late 2019 and early 2020, and have since settled on mutually agreeable terms and conditions for a new Boundary Maintenance Agreement. Changes included in the new agreement provide better clarity with respect to roles and responsibilities, and allow for the option to review and revise maintenance costs every three years based on mutual agreement between parties.

Peel Region Council approval is required to authorize the new agreement for a 10-year term, commencing January 1, 2020 to December 31, 2029. For more detailed information, a copy of the Boundary Maintenance Agreement is available from the Office of the Regional Clerk.

RISK CONSIDERATIONS

A Boundary Maintenance Agreement is necessary to ensure safe and efficient operation of the Queensway Bridge and to define clear roles and responsibilities. In accordance with the *Municipal Act 2001*, as amended, by entering into this agreement, the City of Toronto accepts liability for any damages that arise from failure to keep the Queensway Bridge in a state of good repair and the Region of Peel is relieved from liability with respect to those works. In the absence of such an agreement, negative impacts to the on-going maintenance and repair of this important access across Etobicoke Creek could result in legal and financial liabilities for the Region of Peel.

FINANCIAL IMPLICATIONS

Consistent with the Original Agreement, the new agreement proposes that the City of Toronto will lead planning, design, construction, and maintenance of the Queensway Bridge over Etobicoke Creek and pay all costs directly.

For capital works, the City of Toronto will invoice the Region of Peel for 50 per cent of the actual capital works costs, plus 50 per cent of the 18.3 per cent administrative fee for contract administration. The upcoming rehabilitation costs for the Queensway bridge totalling \$4.8M have been included in the 10-year capital plan as part of the 2021 budget submission.

For maintenance works, the City of Toronto will invoice the Region of Peel for 50 per cent of maintenance costs based on an average of past actual costs. During the first three years of the agreement, the City of Toronto will invoice the Region of Peel \$7,070 annually. These costs will be reviewed and revised by mutual agreement of both parties every three years. The upcoming maintenance costs have been included in the approved base Operating budget.

CONCLUSION

The Queensway Bridge is under joint jurisdiction as the Etobicoke Creek forms the municipal boundary between the Region of Peel and the City of Toronto. In order to ensure a fair and equitable distribution of capital and maintenance costs, as well as well-defined roles and responsibilities, Region of Peel staff recommend that a new Boundary Maintenance Agreement be approved and a corresponding by-law be enacted, to provide for the ongoing management of this shared asset until December 31, 2029.

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APPENDICES

Appendix I – Map of the Queensway Bridge over Etobicoke Creek

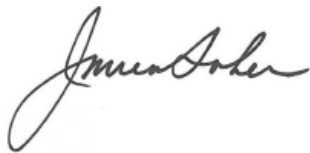
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Authored By: Anna Lee, Program Manager

Reviewed and/or approved in workflow by:

Department Commissioner, Division Director, Financial Support Unit and Legal Services.

Final approval is by the Chief Administrative Officer.



J. Baker, Chief Administrative Officer