

COMMITTEE OF THE WHOLE - NOVEMBER 15, 2004

HUMBERVIEW GARDENS SUBDIVISION, 19T-83034, PLAN 65M-2604 **RELEASE OF SECURITY FOR SLOPE GRADING**

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Reserves and Investments recommends:

That subject to receiving written confirmation from the Toronto Region Conservation Authority that satisfactory arrangements have been made with TRCA by the Developer, the \$100,000 security held by the City for rectification of slope grading in this development be released.

Purpose

To finalize the matter of slope grading deficiencies and to release the Developer's security held by the City.

Background - Analysis and Options

The Humberview Gardens subdivision is a 34 unit single family residential subdivision located on the west side of Clarence Street, south of Rutherford Road as shown on Attachment No. 1.

The municipal services in the development were assumed in 1993 and the letter of credit for municipal services was reduced to \$131,968.78 pending resolution of issues related to grading, fencing and contribution to external services. Subsequently, the letter of credit was reduced to \$108,000 following resolution of the developer's final contribution to the Clarence Street Trunk Sanitary Sewer.

The deficiencies in lot grading were primarily the result of unauthorized encroachment by the purchasers of those lots backing onto the abutting open space lands. The municipal services were assumed and sufficient securities were retained to ensure the Owner would resolve the grading deficiencies to the satisfaction of the City and TRCA. Securities in the amount of \$100,000 were retained for the grading.

A wooden screen fence was specified to be installed along the rear of the lots backing onto Clarence Street south of Modesto Gardens. Due to the heavily wooded nature of the open space and the ground elevation at the rear of the lots, the proposed fence would provide no useful purpose. Accordingly, the construction of the fence behind Lots 9, 10 and 11 was deferred. The amount held as security for the fence was \$8,000.

TRCA has advised that there is a need to continue monitoring the slope in the open space lands as there is some potential for future slope movement in the filled areas. However, the TRCA is prepared to support the release of the \$100,000 held by the City in return for the Developer's contribution of funds to the TRCA. This contribution would be held by the TRCA and utilized to address future slope issues should they arise. The TRCA would monitor the slopes on a regular basis until 2016 (25 years post construction) after which the TRCA would be free to utilize the money to achieve its overall living City objectives.

Although it is unlikely that a fence would be required, it is recommended that the City retain the \$8,000 cash security to address future screening issues should they arise in this area.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

By authorizing the release of the \$100,000 grading deposit held by the City and retaining the \$8,000 fencing deposit, this matter is cleared up and the City will not be required to track funds held on behalf of the TRCA.

Attachments

1. Location Map

Report prepared by:

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Respectfully submitted,

Bill Robinson, P. Eng.,
Commissioner of Engineering and Public Works

ATTACHMENT No. 1

