

December 16, 2021

Transmittal No. 2021 – 126
(Public)

To: Alexander Brown, Chair, Toronto District School Board (TDSB)

This communication is to inform you of a decision made by the TLC Board at its meeting of December 15, 2021 with respect to the report, *Ryerson Community School, 95 Denison Avenue Crane Swing Agreement - Dundas Alexandra Park Residences Inc.*, attached herein.

The TLC Board decided that:

- 1) Authority be granted for TLC to enter into a crane swing agreement with Dundas Alexandra Park Residences Inc. to permit the boom of their construction crane to swing over a portion of Ryerson Community School as outlined in Appendix A, for a three (3) year term commencing approximately June 1, 2022 and ending May 31 2025 for a fee in the amount of \$30,000 plus HST;**
- 2) The crane swing agreement is to be in a form and content satisfactory to TLC legal counsel; and**
- 3) The report be forwarded to TDSB Board for approval**

On behalf of the Board of Directors of the Toronto Lands Corporation, approval of the recommendation in the report, *Ryerson Community School, 95 Denison Avenue Crane Swing Agreement - Dundas Alexandra Park Residences Inc.*, is requested.

Sincerely,



Brenda Patterson
Chair, TLC

cc. D. Sage, Executive Officer, TLC

cc. C. Snider, Associate Director, Business Operations and Service Excellence, TDSB

DECISION ITEM
Ryerson Community School, 95 Denison Avenue
Crane Swing Agreement - Dundas Alexandra Park Residences Inc.

To: Policy & Planning Committee
Date: 18 November 2021

Committee Action Requested: ☒ **Decision** ☐ **Discussion** ☐ **Information**

RECOMMENDATION:

It is recommended that:

- 1) Authority be granted for TLC to enter into a crane swing agreement with Dundas Alexandra Park Residences Inc. to permit the boom of their construction crane to swing over a portion of Ryerson Community School as outlined in Appendix A, for a three (3) year term commencing approximately June 1, 2022 and ending May 31 2025 for a fee in the amount of \$30,000 plus HST;
- 2) The crane swing agreement is to be in a form and content satisfactory to TLC legal counsel; and
- 3) The report be forwarded to TDSB Board for approval.

BACKGROUND:

As part of the revitalization of Alexandra Park the Toronto Community Housing Corporation ("TCHC") is planning to build a new 14-storey residential apartment building that will be located on the south-west corner of Denison Avenue and Dundas Street West. TCHC has hired Dundas Alexandra Park Residences Inc. ("DAPR"), owned by the Tridel Group of Companies, to construct this new complex. This construction project is situated across the street from the Ryerson Community School, which is located on the south-east corner of Denison Avenue and Dundas Street West.

As part of this construction project, DAPR will be utilizing a construction crane to facilitate the movement of construction materials at their site and have approached TDSB requesting permission to swing a portion of the boom of the crane over the Ryerson Community School.

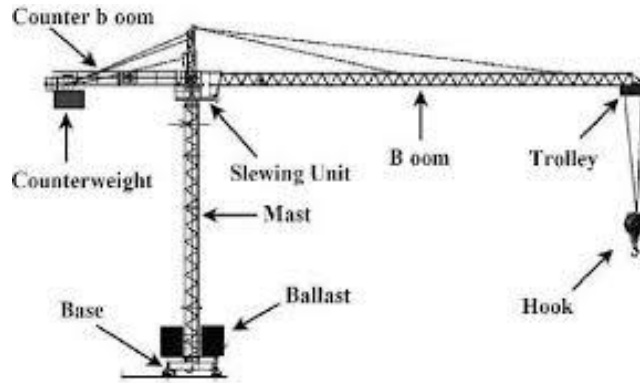
RATIONALE:

As large Cities undergo urban intensification of residential and commercial properties, developers are increasingly requesting use of adjacent properties during the construction period as space is often very limited, including the request to swing a construction crane boom over the property. The operation of a tower crane requires the boom to swing to move materials, referred to as loads, to and from and up and down during construction. Usually, the movement of loads is restricted to the developer's side and not required to be over adjacent properties.

It is important to point out that under current case law, there is an argument to be made that developers do not require consent for a crane swing, load or no load, over adjacent properties. TLC's

approach is to work with developers throughout all phases of the construction process to help keep lines of communication open and ensure maximum cooperation for student safety and property protection. Positive working relationships between developers and TDSB/TLC creates opportunities to mitigate risk, stay informed on timelines and make changes to the development that could affect TDSB staff and students.

The following is a typical Tower Construction Crane:



TLC has met with DAPR and the school officials for Ryerson Community School to discuss this project for the purpose of developing terms for the safety of the school community and to minimize any risks to the TDSB property. The developer has advised that a portion of the crane being used during their project will periodically swing with no load (no materials or equipment being hoisted over the property) over a portion of the school lands, being approximately 971 square meters. No access to the TDSB property is required by the developer for the crane swing at any point prior to or during the construction process.

The TDSB school officials have reviewed the request and staff have confirmed that the outdoor student activity may continue during the construction project as the crane boom will not swing over the playground.

Appendix 1 attached provides an overall sketch of the area impacted at Ryerson CS.

TLC has negotiated with officials representing DAPR and find the settlement terms and conditions are fair and reasonable.

KEY BUSINESS TERMS AND CONDITIONS

- Commencing June 1, 2022 and ending on May 31, 2025 with no option to extend
- \$10,000 + HST per year (three-year payment of \$30,000 + HST due prior to crane installation with minimum 30 days' notice)
- Insurance to be \$10,000,000 per occurrence
- Agreement to be prepared in TLC standard form and content in accordance with TLC legal counsel

In light of the fact that DARP, the developer, could argue that they are not required to enter into this agreement, TLC has been able to negotiate with the developer terms and conditions that are considered fair and reasonable permitting TLC to minimize risks to TDSB students and property. A continued collaborative approach with the private sector and our public partner, Toronto Community Housing has provided for a positive come for all parties.

APPENDIX:

Appendix A: Crane Swing Sketch

ROUTING:

- **TLC Board December 15, 2021**
- **TDSB Board Cycle January-February 2022**

From

Daryl Sage, CEO, Toronto Lands Corporation at dsage.tlc@tdsb.on.ca or at 416-393-0575.

Anita Cook, Director of Real Estate and Leasing, Toronto Lands Corporation at acook.tlc@tdsb.on.ca or at 416-573-2716.

Ryerson Community School Crane Swing Sketch

