

TORONTO TRANSIT COMMISSION REPORT NO.

MEETING DATE: March 24, 2010

SUBJECT: LANSDOWNE BUS GARAGE - UPDATE

INFORMATION ITEM

REASON FOR CONFIDENTIAL INFORMATION:

This report contains advice or communications that are subject to solicitor-client privilege.

RECOMMENDATION

It is recommended that the Commission:

1. Receive the information as set out in Confidential Attachment 1; and,
2. Note that the confidential information as set out in Confidential Attachment 1 remain confidential in its entirety as it contains advice which is subject to solicitor-client privilege.

FUNDING

Sufficient funding is included under 6.1 Environmental Programs – Garage Subsurface Remediation Program, as outlined on pages 1207-1209 of the TTC’s 2010-2014 Capital Program approved by Council on December 8, 2009, to continue to pursue this legal course of action. No funding is included to undertake any contemplated remediation.

BACKGROUND

In 2002, TTC investigated a sub-surface environmental condition on the former Lansdowne Bus Garage property, (“Lansdowne property”), and discovered trichloroethylene (“TCE”) in soil and groundwater beneath the site. Considerable investigations were conducted; Ministry of Environment and Toronto Public Health were consulted. These investigations led to the TTC concluding that a likely source of the TCE was from an up gradient property (224 Wallace Avenue), formerly owned by GE and now owned by Bilnia Investments Limited. In 2005, TTC issued a lawsuit against GE and Bilnia for \$25,000,000 in damages.

DISCUSSION

In 2009, General Counsel undertook to provide a status update to the Commission.

JUSTIFICATION

The report is provided in response to a request for an update to this matter.

March 24, 2010

45-9-1

Confidential Attachment 1