

# REPORT

## *Engineering Services*

**To:** Mayor Johnstone and Members of Council  
**Date:** October 7, 2024

**From:** Lisa Leblanc  
Director of Engineering  
**File:** 05.1035.10  
(Doc# 2571157)

**Item #:** 2024-542

**Subject: Licence Agreement at 203 Pembina Street**

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### **RECOMMENDATION**

**THAT** the Mayor and Corporate Officer be authorized to execute the Licence Agreement between the City and Prushothaman Palanichamy and Vijaya Deepthi Gopalabhatla, the Owners of 203 Pembina Street, included as Attachment 1 to the staff report titled “Licence Agreement at 203 Pembina Street” dated October 7, 2024 from the Director, Engineering.

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### **PURPOSE**

The purpose of this report is to provide Council with information on the proposed Licence Agreement with the owners of 203 Pembina Street ( the “Owners”) for the temporary use of the City lands for the purpose of a sanitary sewer main bypass in respect of the existing sanitary sewer along the lane, and to seek Council approval to enter into a Licence Agreement with the Owners as explained in this report.

### **BACKGROUND**

The Owners have requested that the City enter into a Licence Agreement to satisfy a condition of their multi-family housing project that they must reconstruct the rear lane to the City’s current lane standard.

The Developer will be constructing a multi-family housing project at 203 Pembina Street. This development will include six-unit townhomes with site access from the rear lane.

As part of this project, and following the recommendation of the project's Geotechnical Engineer, the existing lane along the development frontage must be pre-loaded before

construction begins to comply with current City standards (refer to Attachment 1 Schedule A, Preload Plan by Bansal and Associates, dated April 15, 2024).

An existing sanitary sewer along this lane services both the developer's property and 175 Pembina Street. To prevent disruptions to sanitary sewer service during the lane pre-loading, a bypass of the sanitary sewer main has been proposed by the project's civil engineering consultant (refer to Attachment 1 Schedule A, Sanitary Connection Re-Routing Plan by Archaic Consulting Ltd., dated May 5, 2024). This bypass will require a working easement on a portion of the City-owned 200 Fenton Street, as indicated by the project's legal surveyor (refer to Attachment 1 Schedule A, Working Easement Plan prepared by Target Land Surveying).

After the lane pre-loading, the sanitary bypass will be removed from the working easement, and both the land and the existing sanitary sewer will be restored to their original condition or better.

**Existing Policy/Practice**

The following is a summary of the Licence outdoor space, terms and conditions.

Licence space:           Approximately 284.4 m<sup>2</sup>. (3061.3 ft<sup>2</sup>.)

Term:                       6 months commencing on October 14, 2024

The Owners have reviewed the proposed licence agreement.

A copy of the proposed Licence Agreement is provided in Attachment 1.

**NEXT STEPS**

The next steps in processing the Licence Agreement will be providing public notification of the City's intention to enter into a Licence Agreement with the Owners, and, subject to no objection being heard in response to public notification, will conclude with the signing and distribution of the documents.

**FINANCIAL IMPLICATIONS**

The Owners have posted a security deposit of \$18,600.00 as per City requirements. The City is co-insured on the Owner's insurance policy with a coverage of \$5M.

There are no financial implications to the City's Operating and Capital budgets as the infrastructure is being delivered by private development.

**INTERDEPARTMENTAL LIAISON**

Staff from Legal Services and Engineering were consulted on this report.

**OPTIONS**

The following options are provided for Council’s consideration:

- 1) That the Mayor and Corporate Officer be authorized to execute the Licence Agreement between the City and Prushothaman Palanichamy and Vijaya Deepthi Gopalabhatla, the Owners of 203 Pembina Street, included as Attachment 1 to the staff report titled “Licence Agreement at 203 Pembina Street” dated October 7, 2024 from the Director, Engineering.
  
- 2) That Council provide staff with alternative direction.

Staff recommend Option 1.

**ATTACHMENTS**

Attachment 1 - Licence Agreement between the City and the Owners

**APPROVALS**

This report was prepared by:  
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This report was reviewed by:  
Kwaku Agyare-Manu, Deputy Director – Engineering Services  
Hardeep Maghera, Engineering Development Services Supervisor

This report was approved by:  
Lisa Leblanc, Director of Engineering Services  
Lisa Spitale, Chief Administrative Officer