



INFORMATION REPORT

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	September 21, 2015
SUBJECT/REPORT NO:	Building and Maintenance of Retaining Walls Including 462 Wilson Street East, Ancaster (PW15068) - (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Brian Hughes (905) 546-2424, Extension 7875
SUBMITTED BY:	Gary Moore, P. Eng. Acting General Manager Public Works Department
SIGNATURE:	

Council Direction:

At the June 1, 2015 Public Works Committee, staff were directed to report back to the Public Works Committee outlining the chronology of events, including what work orders have been issued for the retaining wall located at 462 Wilson Street East, Ancaster and an outline of the policies, standards and specifications the City of Hamilton has in place respecting the building and maintenance of retaining walls.

Information:

Background and Chronology:

Wilson Street East in Ward 12 in the former Town of Ancaster is a busy two lane arterial road. This was a provincial road until 1971. It was subsequently transferred to the Regional Municipality of Hamilton Wentworth and ultimately became a City street in 2001.

The retaining wall at 462 Wilson Street East is located immediately west of Rousseau Street as shown on Appendix A attached to Report PW15068. A right turn lane exists on Wilson Street East for traffic turning onto Rousseau Street. The retaining wall in question is immediately adjacent to the curb faced sidewalk on private property. The retaining wall location and current condition is shown on the image contained in Appendix B attached to Report PW15068.

In April 2014 Transit reported concerns for their passengers in this area due to a bulge in the retaining wall by their bus stop.

Between May and June of 2014 the following actions occurred:

- Roads Operations staff investigated the condition of the wall.

- The sidewalk adjacent to the wall section in question was barricaded off to protect pedestrians.
- The location of the retaining wall and adjacent trees in relation to the property line was questioned and on May 23, 2014 Corridor Management undertook a legal survey to establish property line and confirmed that the entire wall was on private property.
- The Roads Superintendent for District West corresponded with the homeowner advising of the legal survey results and of the homeowner responsibility to repair the wall.
- Municipal Law Enforcement (MLE) was advised of the need of repair of the private retaining wall and the risk that it posed.
- MLE requested that the District Building Inspector inspect the wall.
- The wall was deemed unsafe by the Building Inspector.
- The Building Inspector attempted to contact the homeowner to have them address this issue. There was no response from the homeowners and therefore the Building Division issued an Unsafe-Order to Comply and contacted the on-call emergency contractor.
- The Building Division retained a contractor, Power Property Services, to remove a portion of the retaining wall. This work was carried out on June 13, 2014. The stone from the retaining wall was left on site at 462 Wilson Street.
- The cost for the wall removal was \$2,125.58 and as the wall was on private property this was subsequently added to the homeowner's property tax bill.

In November, 2014 the Building Division was advised by the homeowner that he had owned the house since 1980 and that the Town of Ancaster and City of Hamilton had previously carried out repairs on this retaining wall.

Roads & Maintenance staff have no records of work being carried on this wall in the past nor does any staff member remember undertaking any work here. In addition former staff members of the Town of Ancaster have been contacted and they also have no recollection of repairs being carried out by the Town. It is possible that repairs may have been carried out by some members of the City or Town but there are no records as such and it would have been in error as the wall is clearly privately owned.

Construction & Maintenance of Retaining Walls:

Retaining walls are constructed by the City, Developers or the general public and are used throughout the City to facilitate changes in grade where the construction of a slope or embankment is not desirable for a number of reasons including limited land availability or loss of useable or developable land. Retaining walls range from very small landscape block type walls to very large reinforced concrete, reinforced block or panel walls.

New retaining walls constructed by the City are usually associated with major capital projects, i.e. bridges, major road projects, where the necessity of the retaining wall is established through the review of all other options available, i.e. cost to obtain additional property to construct a stable slope in place of the retaining wall.

Developers generally include retaining walls in their projects to maximize the developable land available. The City has guidelines for Developers on retaining walls outlining design requirements and material type. The location for the retaining wall in relation to the City's right of way is specified as 0.45M inside the developer's property which should clarify ownership and maintenance responsibility.

The Roads & Maintenance Section maintains City owned retaining walls. An inventory of retaining walls was updated in 2013/ 2014. A total of 497 walls of varying heights and lengths have been identified in the City. The ownership of approximately 150 of these retaining walls is in doubt due to their nature and that they appear to be very close to the property line. These will need to be investigated further to determine ownership and maintenance responsibility.

In addition to the updating of the inventory a condition assessment of each wall was carried out. The Operations Division develops an annual capital program to address maintenance needs for retaining walls. Past annual budget figures have been in the order of \$300,000 per year, however with the recent inventory and condition assessment and associated repair needs the annual capital budget for repair is projected as \$700,000 to address deficiencies and keep the retaining walls in safe operating condition.