

Memorandum to the Council of Corporation of the Municipality of Temagami

Subject: Caribou Mountain Inspection Proposal

Memo No: 2025-M-035

Date: February 13, 2025

Attachment: Appendix A - Tullock's Engineering Fee Proposal – Fire Tower and Observation Platforms

Prepared By: Laala Jahanshahloo - CAO/ Treasurer

Recommendation

BE IT RESOLVED THAT Council receives Memo 2025-M-035 as presented;

AND FURTHER BE IT RESOLVED THAT Council formally accepts TULLOCH Engineering Inc.'s proposal, as outlined in Appendix A, which shall be incorporated as an integral part of this memo for the Caribou Mountain Inspection;

AND FURTHER BE IT RESOLVED THAT Council authorizes the Chief Administrative Officer to execute all necessary documents to proceed with the engineering review and inspection;

AND FURTHER BE IT RESOLVED THAT the allocated fee of \$11,500 plus HST shall be included in the 2025 Budget.

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Executive Summary

This report evaluates the Engineering Fee Proposal from TULLOCH Engineering Inc. for structural inspections of the fire tower, three observation platforms, and the pedestrian bridge in the Municipality of Temagami. It emphasizes regulatory compliance obligations, potential liabilities, and recommendations to ensure public safety.

Background

TULLOCH Engineering Inc. proposes a structural review encompassing documentation analysis, on-site inspection, preliminary and final reports, and stakeholder meetings. The quoted fee is \$11,500 plus HST. Municipalities must adhere to the Ontario Building Code and relevant case law to mitigate liability risks.

Scope of Work

- Review of Existing Documentation: Examine prior reports, studies, and drawings.
- On-Site Inspection: Assess structural integrity through measurements, photography, and documentation.
- Preliminary Report: Identify deficiencies referencing the Ontario Building Code (OBC) and the Canadian Highway Bridge Design Code (CHBDC), with high-level cost estimations for necessary repairs or replacements.
- Final Report: Submit a sealed engineering report incorporating municipal feedback.
- Meetings and Communication: Conduct virtual or on-site discussions as required.

Regulatory and Legal Compliance

Municipalities have a duty of care in conducting inspections, as demonstrated in legal precedents such as:

- *Ingles v. Tutkaluk Construction Ltd.* (2000 SCC 12): The Supreme Court of Canada ruled that municipalities have a duty of care when conducting inspections. A failure to identify deficiencies may result in liability if harm occurs due to negligence.
- *Nelson (City) v. Marchi* (2021 SCC 41): Clarified that while municipalities are generally immune from liability for core policy decisions, they may be held accountable for operational failures, such as inadequate inspection procedures.

Failure to comply with these legal obligations can result in personal injury claims, negligence lawsuits, and regulatory penalties.

Liability Considerations

Neglecting to perform adequate inspections or failing to act upon known structural deficiencies can expose the Municipality to legal claims, including:

- Personal Injury Claims: Individuals harmed due to structural failures may seek damages.

- Negligence Lawsuits: The Municipality may be held responsible if inspections are found to be incomplete or improperly conducted.
- Regulatory Penalties: Non-compliance with provincial safety codes can result in penalties or enforcement actions.
- Insurance Coverage Voidance: Failure to comply with required inspections may lead to the voiding of insurance coverage, leaving the Municipality financially vulnerable in the event of a claim.

Exclusions from Scope

The following services are not included in the proposal:

- Additional site visits beyond those stated.
- Design of repairs/recommendations.
- Structural calculations.
- Drafting services.
- Survey services.
- Civil or geotechnical services.
- Permitting.
- Tender, construction review, and contract administration services.

Conclusion

Adopting the proposed structural review aligns with legal requirements and risk management strategies, ensuring public safety and municipal compliance. Proactive measures will prevent potential legal consequences and maintain public trust.



Planners | Surveyors | Biologists | Engineers

January 8, 2025
P24356-GEN

Daryl Bell
Municipality of Temagami
11 Lakeshore Drive
Temagami, ON
P0H 2H0

Re: Engineering Fee Proposal – Fire Tower and Observation Platforms

Dear Daryl,

Pursuant to your request, we are pleased to provide you with a scope of work and associated engineering professional fees for the structural review and subsequent report for the fire tower, 3 observation decks and the pedestrian bridge on-site in the Municipality of Temagami. Based on a similar project, we anticipate that our services would include the following:

- Review of any existing background information, including existing drawings, previous reports or completed studies
- Once arranged our staff will attend the site to complete our inspections. Conditions of the structural components will be documented, measured, and photographed, and any areas of severe structural concern will be flagged and immediately reported to the Municipality.
- Upon completion of the site visit, our staff will commence preparation of our preliminary report. The report will identify critical areas of concern and will reference the Ontario Building Code or the Canadian Highway Bridge Design Code requirements, where appropriate. The report will provide recommendations for repair/replacement and indicate high level costing for the recommended work.
- Once completed, our preliminary report will be submitted to the Municipality who will provide comments. Once comments are received, we will finalize the report accordingly and submit it sealed by a Professional Engineer.
- During the project, we would chair and minute and necessary meetings with the Municipality. We anticipate meetings will either be during our scheduled site visit or be held virtually.

Engineering Fees

TULLOCH Engineering agrees to complete the scope of work detailed above and provide all deliverables on a lump sum basis. Our anticipated fees for the project would be \$11,500 plus HST.

Exclusions

The following is a list of exclusions not included in our scope/fees

- Additional site visits beyond what is stated above
- Design of repairs/recommendations
- Structural calculations
- Drafting services
- Survey services
- Civil or geotechnical services
- Permitting
- Tender, construction review and contract administration services

Closure

Our proposal is valid for your acceptance for 30 days, after which time a review of the terms and conditions offered may be required.

TULLOCH will perform all services in accordance with the standard of care customarily observed by professional consulting firms performing similar services at the same time and location. The standard of care will include adherence to all applicable published standards of the profession and laws, regulations, by-laws, building codes, and governmental rules. In no event, however, will TULLOCH be liable for indirect or consequential damages, including, without limitation, loss of use or production, loss of profits, or business interruption.

Should TULLOCH be successful in our proposal to provide the above noted services, we would require you to sign a client/consultant engineering agreement.

I trust the above is sufficient for your purposes at this time. Should you have any questions or require clarification, please do not hesitate to contact our office.

Thank you,

TULLOCH Engineering Inc.



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