



# Council Agenda Including Addeds

5th Meeting of City Council

March 22, 2022, 4:00 PM

Virtual Meeting during the COVID-19 Emergency

Please check the City website for current details of COVID-19 service impacts.

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Pages

1. **Disclosures of Pecuniary Interest**
2. **Recognitions**
3. **Review of Confidential Matters to be Considered in Public**
4. **Council, In Closed Session**
  - 4.1 Land Acquisition / Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations  

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality. (6.1/4/CSC)
  - 4.2 Land Acquisition / Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations  

A matter pertaining to the proposed or pending acquisition by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality. (6.2/4/CSC)
  - 4.3 Confidential Trade Secret or Scientific, Technical, Commercial or Financial Information Belonging to the City  

A matter pertaining to the security of the property of the municipality or board; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value. (6.3/4/CSC)
  - 4.4 Labour Relations/Employee Negotiations

A matter pertaining to labour relations and employee negotiations.  
(6.1/5/SPPC)

4.5 Personal Matters/Identifiable Individual

A matter pertaining to personal matters, including information regarding an identifiable individual, with respect to employment-related matters; advice or recommendations of officers and employees of the Corporation, including communications necessary for that purpose and for the purpose of providing instructions and directions to officers and employees of the Corporation. (6.2/5/SPPC)

4.6 Solicitor-Client Privilege

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding flyer deliveries to residential properties. (6.1/4/CPSC)

4.7 *ADDED Solicitor-Client Privilege/Litigation-Potential Litigation*

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(Refer to the Community and Protective Services Committee Stage for Consideration with Item 10 (4.3) of the 4th Report of the Community and Protective Services Committee)

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8.6 4th Report of the Community and Protective Services Committee

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4. (2.4) 2022-2023 Single Source Award Recommendation for Housing Stability Service Programs; Including Housing First, Supportive Housing and Day Drop-in Programs
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8. (4.1) K. Pihlak, Executive Director, Oak Park Co-operative Children's Centre
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10. (4.3) Draft By-laws: Program Regulating Distribution of Flyers By-law and Distribution of Graphic Flyers to Residential Properties By-law (Relates to Bill No.'s 131 and 138)
11. (5.1) Deferred Matters List
12. (5.2) 1st Report of the Community Safety and Crime Prevention Advisory Committee

**9. Added Reports**

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9.2 *6th Special Meeting of the Strategic Priorities and Policy Committee* 209

1. *Disclosures of Pecuniary Interest*

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**13. By-laws**

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13.2 Bill No. 125 By-law No. A.- \_\_\_\_\_ - \_\_\_\_ 212

A by-law to accept the terms and conditions for funding under the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program between Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks and The Corporation of the City of London (“Agreement”) and authorize the Mayor and City Clerk to execute the Agreement and any future amending agreements. (2.5/4/CWC)

13.3 Bill No. 126 By-law No. A.- \_\_\_\_\_ - \_\_\_\_ 215

A by-law to approve the Ontario Transfer Payment between Her Majesty the Queen in right of Ontario as represented by the Minister of Environment, Conservation and Parks and The Corporation of the City of London (“Agreement”) and authorize the Mayor and City Clerk to execute the Agreement and any future amending agreements. (2.6/4/CWC)

13.4 Bill No. 127 By-law No. A.- \_\_\_\_\_ - \_\_\_\_ 257

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13.5 Bill No. 128 By-law No. A.- \_\_\_\_\_ - \_\_\_\_ 263

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13.15	Bill No. 138 By-law No. PW-____  A by-law to regulate the distribution of graphic flyers in the City of London. (4.3c/4/CPSC)	303
13.16	Bill No. 139 By-law No. S.- _____ - ____  A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Viscount Road east of Andover Drive) (Chief Surveyor – for road widening purposes on Viscount Road)	305

13.17	Bill No. 140 By-law No. S.- _____ - ____	307
	A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Queens Ave, east of Richmond St; and as widening to Ridout St, north of King St) (Chief Surveyor – for road widening purposes, pursuant to the Bus Rapid Transit Downtown Loop project)	
13.18	Bill No. 141 By-law No. S.- _____ - ____	309
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13.24	Bill No. 147 By-law No. Z.-1-22	318
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	A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1985 Gore Road. (2.4/6/PEC)	
13.27	Bill No. 150 By-law No. Z.-1-22	324

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 600 Oxford Street West. (3.2c/6/PEC)

13.28 Bill No. 151 By-law No. Z.-1-22 327

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1420 Hyde Park Road. (3.3b/6/PEC)

13.29 Bill No. 152 By-law No. Z.-1-22 330

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 6756 James Street. (3.4/6/PEC)

#### 14. Adjournment



## Council Minutes

4th Meeting of City Council  
February 15, 2022, 4:00 PM

Present: Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, J. Fyfe-Millar, S. Hillier

Also Present: M. Schulthess, J. Taylor, B. Westlake-Power

Remote Attendance: L. Livingstone, A. Barbon, G. Barrett, G. Belch, B. Card, I. Collins, C. Cooper, S. Corman, J. Davison, K. Dickins, G. Kotsifas, L. Hamer, R. Hayes, R. Morris, K. Scherr, C. Smith, B. Warner

The meeting is called to order at 4:02 PM; it being noted that the following members were in remote attendance: Councillors M. van Holst, M. Salih, J. Helmer, M. Cassidy, M. Hamou, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, S. Hillier

### 1. Disclosures of Pecuniary Interest

Councillor S. Lehman discloses a pecuniary interest in clause 4.1 of the 3rd Report of the Strategic Priorities and Policy Committee, having to do with the Core Area Pilot Program involving the London Downtown Business Association (LDBA), by indicating he is a member of the LDBA. Councillor S. Lehman further discloses a pecuniary interest in clause 4.6 of the 3rd Report of the Strategic Priorities and Policy Committee, having to do with the appointment to the LDBA, by indicating he is a member of the LDBA.

Councillor P. Van Meerbergen discloses a pecuniary interest in clause 4.9 of the 3rd Report of the Strategic Priorities and Policy Committee, having to do with the 7th Report of the Governance Working Group and specifically the Childcare Advisory Committee being dissolved, by indicating that his wife owns/operates a childcare business.

Councillor S. Turner discloses a pecuniary interest in clause 6.1 of the 3rd Report of the Corporate Services Committee, having to do with the purchase of property and settlement of potential claims located at 220 Wellington Road South and potential claims by A Team London Inc., by indicating that it involves a principal donor in his 2018 election campaign.

Councillor S. Turner discloses a pecuniary interest in clause 1 of the 4th Report of the Council in closed session and the related Bill No. 122, having to do with the purchase of property and settlement of potential claims located at 220 Wellington Road South and potential claims by A Team London Inc., by indicating that it involves a principal donor in his 2018 election campaign.

### 2. Recognitions

None.

### 3. Review of Confidential Matters to be Considered in Public

None.

Motion made by: M. van Holst  
Seconded by: S. Hillier

That, pursuant to section 6.4 of the Council Procedure By-law, a change in order of the Council Agenda BE APPROVED, to provide for Stage 4, Council, In Closed Session and Stage 9, Added Reports, to be considered after Stage 13, By-laws.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

**5. Confirmation and Signing of the Minutes of the Previous Meeting(s)**

Motion made by: E. Pelozza

Seconded by: M. Hamou

That the Minutes of the 3rd Meeting held on January 25, 2022, BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

**6. Communications and Petitions**

Motion made by: J. Helmer

Seconded by: A. Hopkins

That the following communications BE RECEIVED and BE FORWARDED as noted on the Agenda:

**6.1 Draft Climate Emergency Action Plan**

1. C. Hansen, EVP & President, Gas Distribution and Storage, Enbridge

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

**7. Motions of Which Notice is Given**

None.

**8. Reports**

**8.1 3rd Report of the Community and Protective Services Committee**

Motion made by: M. Cassidy

That the 3rd Report of the Community and Protective Services Committee BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**



1. Disclosures of Pecuniary Interest

Motion made by: M. Cassidy

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.2) Single Source Procurement - London Homeless Prevention Housing Allowance Program

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following actions be taken with respect to the staff report dated February 1, 2022, related to a Single Source Procurement - London Homeless Prevention Housing Allowance Program, as per the City of London Procurement of Goods and Service Policy, section 8.5.a.iv, that committee and city council must approve single source awards greater than \$50,000.00:

a) the single source procurements BE ACCEPTED, at a total estimated cost of \$1,084,000 (excluding HST), for the period of April 1, 2022, to March 31, 2023, with the opportunity to extend for four (4) additional one (1) year terms, to administer Housing Stability Services Housing Allowance program, as per The Corporation of the City of London Procurement Policy Section 14.4 d), to the following providers:

- Mission Services – Rotholme Family Shelter (SS-2022-029)
- CMHA Thames Valley Addiction & Mental Health Services (Street Level Woman At Risk Program) (SS-2022-030)
- CMHA Thames Valley Addiction & Mental Health Services (SS-2022-031)
- Unity Project Emergency Shelter (SS-2022-033)
- Youth Opportunities Unlimited (SS-2022-034)
- London Cares Homeless Response Services (SS-2022-035)
- St. Leonard's Society of London (SS-2022-036)

b) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in relation to this project; and,

c) the approval given, herein, BE CONDITIONAL upon the Corporation entering into Purchase of Service Agreements with each program. (2022-S14)

**Motion Passed**

3. (2.4) Odell Jalna Social Housing Provider Proposal

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the staff report dated February 1, 2022, related to the Odell Jalna Social Housing Provider Proposal:

a) the Civic Administration BE DIRECTED to work with the Board of Odell Jalna and the Ministry of Municipal Affairs to advance the provider's proposal; and,

b) the Civic Administration BE DIRECTED to re-invest the anticipated future tax levy supported mortgage subsidy savings related to the Odell Jalna portfolio to address the long-term financial stability of the Odell Jalna portfolio; it being noted that the communication, dated January 27, 2022, from C. Sprovieri, Odell-Jalna Residences of London, with respect to this matter, was received. (2022-S04)

**Motion Passed**

4. (2.1) Single Source Award Recommendation for Housing Stability Service Programs Including Outreach, Emergency Shelter and Housing Stability Bank

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following actions be taken with respect to the staff report dated February 1, 2022, related to a Single Source Award Recommendation for Housing Stability Service Programs including Outreach, Emergency Shelter and Housing Stability Bank:

a) single source procurements BE ACCEPTED, at a total estimated cost of \$9,890,000 (excluding HST), for the period of April 1, 2022, to March 31, 2023, with the opportunity to extend for four (4) additional one (1) year terms, to administer Housing Stability Services Emergency Shelter and Housing Stability Bank and Outreach programs, as per The Corporation of the City of London's Procurement Policy Section 14.4 d), to the following providers:

- Men's Mission Emergency Shelter (SS-2022-021)
- Salvation Army Centre of Hope Emergency Shelter (SS-2022-022)
- Rotholme Family Emergency Shelter (SS-2022-023)
- Unity Project Emergency Shelter (SS-2022-024)
- Youth Opportunities Emergency Shelter (SS-2022-025)
- London Cares Homeless Response Services Outreach Program (SS-2022-026)
- The Salvation Army Centre of Hope Housing Stability Bank Program (SS-2022-027)

b) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in relation to this project; and,

c) the approval given, herein, BE CONDITIONAL upon the Corporation entering into Purchase of Service Agreements with each program; it being noted that the communication, dated January 23, 2022, the presentation, dated February 1, 2022, and the verbal delegation from P. Rozeluk, Mission Services of London and the communication, dated January 21, 2022 and the verbal delegation from J. DeActis, Centre of Hope London, with respect to this matter, were received. (2022-S11)

**Motion Passed**

5. (2.3) End of Mortgage (EOM) and End of Operating Agreement (EOA) Impacts and Analysis

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the staff report dated February 1, 2022, related to the End of Mortgage (EOM) and End of Operating Agreement (EOA) Impacts and Analysis:

- a) the above-noted staff report BE RECEIVED;
- b) the Civic Administration BE DIRECTED to re-invest any anticipated future municipal mortgage subsidy savings in the social housing portfolio to address the long-term financial sustainability of the portfolio; and
- c) the Mayor BE REQUESTED to send a letter to the Minister of Municipal Affairs and Housing on behalf of the City Council, to:
  - request continued provincial partnership and investment in existing community housing;
  - highlight Council's recent significant investment commitments in housing with the need for additional provincial support; and,
  - communicate the need to receive the new Housing Services Act regulatory Exit and Service Agreement framework as early as possible to develop strategies to address challenges facing the sector;

it being noted that the Civic Administration will continue to examine alternative and innovative solutions to the challenge of maintaining social housing units due to EOM/EOA;

it being further noted that the communication, dated February 1, 2022, from M. Carlson, Birch Housing, with respect to this matter, was received. (2022-S04)

**Motion Passed**

6. (5.1) Deferred Matters List

Motion made by: M. Cassidy

That the Deferred Matters List for the Community and Protective Services Committee, as at January 24, 2022, BE RECEIVED.

**Motion Passed**

8.2 3rd Report of the Corporate Services Committee

Motion made by: S. Lewis

That the 3rd Report of the Corporate Services Committee, BE APPROVED, excluding item 3 (2.2).

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: S. Lewis

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) Banking Services By-laws – Amendments Due to Appointment of New City Clerk (Relates to Bill No.'s 94 and 95)

Motion made by: S. Lewis

That on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to various By-Law amendments to implement organizational changes:

a) the proposed by-law as appended to the staff report dated January 31, 2022 as Appendix "A", being "A by-law to amend By-Law A.-7955-83, entitled "A by-law to authorize the Mayor and City Clerk to execute the Resolution Regarding Banking and the Master Client Agreement for Business Client Authorization and any contract or document with the Royal Bank relating to the Ontario Works Royal Bank of Canada Right Pay Reloadable Payment Card Program and to authorize the signing of cheques and the withdrawal or transfer of funds" to reflect the current organizational structure", BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022; and,

b) the proposed by-law as appended to the staff report dated January 31, 2022 as Appendix "B", being "A by-law to amend By-Law A.-8047-15, entitled "A by-law to approve an Amending Agreement between the Bank of Nova Scotia and the Corporation of the City of London", BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022.

**Motion Passed**

4. (2.3) Procurement of Goods and Services Policy Revisions Resulting from the Pandemic and Current Business-Related Needs (Relates to Bill No. 93)

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, the proposed by-law, as appended to the staff report dated January 31, 2022, being a By-Law to amend By-Law No. A.-6151-17, and the revised page included in the added agenda, BE INTRODUCED at the Municipal Council meeting on February 15, 2022, to revise Schedule "C" to By-Law No. A.-6151-17 being the Procurement of Goods and Services Policy, where the following amendments are being recommended;

a) increase the dollar limit from \$3,000,000 to \$6,000,000 for Administrative Awarded Tenders that do not have an irregular result as per Section 13.2 in the Procurement of Goods and Services Policy; and,

b) make minor "housekeeping" revisions necessary in Section 4.6 related to contract amendments, and Sections 19.5 and 19.6 related to organizational titles.

**Motion Passed**

5. (2.4) Assessment Growth for 2022, Changes in Taxable Phase-In Values, and Shifts in Taxation as a Result of Reassessment

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, the staff report regarding Assessment Growth for 2022, Changes in Taxable Phase-In Values, and Shifts in Taxation as a result of Reassessment BE RECEIVED for information purposes.

**Motion Passed**

6. (4.1) Application - Issuance of Proclamation - Parental Alienation Awareness Day

Motion made by: S. Lewis

That based on the application dated January 10, 2022 from Just Another Parent, April 25, 2022 BE RECEIVED and NO ACTION be taken.

**Motion Passed**

7. (5.1) Corporate Services Committee Deferred Matters List

Motion made by: S. Lewis

That the Corporate Services Committee Deferred Matters List as of January 24, 2022 BE RECEIVED.

**Motion Passed**

3. (2.2) Considerations and Viability to Implement a Vacant Home Tax in London

At 4:37 PM, the Mayor places Councillor J. Morgan in the Chair.

At 4:41 PM, the Mayor resumes the Chair.

Motion made by: M. Cassidy

Seconded by: S. Lewis

That part b) BE AMENDED to read as follows:

"b) That Civic Administration BE DIRECTED to begin a Request for Proposal (RFP) for consultant services to study and validate the number of vacant residential properties in London and report back on the scope of the problem and potential mitigation measures to a future meeting of Corporate Services Committee;"

Yeas: (13): M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (2): Mayor E. Holder, and P. Van Meerbergen

**Motion Passed (13 to 2)**

Motion made by: S. Lewis

Seconded by: M. Cassidy

Clause 2.2, as amended, excluding part b)

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

Motion made by: S. Lewis  
Seconded by: S. Hillier

That part b), of clause 2.2, as amended BE APPROVED.

Yeas: (11): S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (4): Mayor E. Holder, M. van Holst, P. Van Meerbergen, and S. Turner

**Motion Passed (11 to 4)**

Clause 2.2, as amended, reads as follows:

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to the consideration to implement a vacant home tax in London:

a) the staff report dated January 31, 2022, "Considerations and Viability to Implement a Vacant Home Tax in London BE RECEIVED for information;

b) that Civic Administration BE DIRECTED to begin a Request for Proposal (RFP) for consultant services to study and validate the number of vacant residential properties in London and report back on the scope of the problem and potential mitigation measures to a future meeting of Corporate Services Committee;

c) that Civic Administration BE DIRECTED to continue to monitor implementation, execution, and experience of other Ontario municipalities of this tax;

it being noted that the Corporate Services Committee received a communication dated January 27, 2022 from M. Laliberte, Staff Lawyer, Neighbourhood Legal Services and J. Thompson, Executive Director, LIFE\*SPIN with respect to this matter.

### 8.3 3rd Report of the Civic Works Committee

Motion made by: E. Pelozza

That the 3rd Report of the Civic Works Committee BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

### 1. Disclosures of Pecuniary Interests

Motion made by: E. Pelozza

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) Wastewater Treatment Operations Master Plan - Notice of Completion

Motion made by: E. Pelosa

That, on the recommendation of Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated February 1, 2022, related to the Wastewater Treatment Operations Master Plan:

a) the Notice of Completion BE FILED with the Municipal Clerk; and,

b) the Wastewater Treatment Operations Master Plan report BE PLACED on public record for a 30-day review period; it being noted that the recommended implementation plan presented in the Wastewater Treatment Operations Master Plan will not be formally approved and endorsed until the following 30-day public review period and following responses to any comments received in accordance with the Master Planning process; it being further noted that the pace for advancing the projects recommended through this Master Plan will be addressed through existing programs and budgets and Council's decisions through the upcoming 2024-2028 multi-year budget process. (2022-E03)

**Motion Passed**

3. (2.2) Sole Source - Organic Rankine Cycle Equipment Service Contract

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated February 1, 2022, related to the award of a service contract for the maintenance of the Organic Rankine Cycle Equipment package at Greenway Wastewater Treatment Plant:

a) Turboden S.p.A., BE AWARDED a sole source service contract for the Greenway Organic Rankine Cycle system, in the amount of €39,000.00 per year, excluding HST, plus allowance for inflation as described, for a five-year term, in accordance with Section 14.3 (c) and 14.5 (a)(ii) of the City of London's Procurement of Goods and Services Policy;

b) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;

c) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract; and,

d) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2022-E07)

**Motion Passed**

4. (2.3) Amending Agreement to the Services Agreement Between Partner Municipalities and the Ontario Clean Water Agency for Contracted Operations at the Elgin-Middlesex Pumping Station (Relates to Bill No.'s 92 and 113)

Motion made by: E. Pelosa

That, on the recommendation of the Director, Water, Wastewater and Stormwater, the following actions be taken with respect to the staff report dated February 1, 2022, related to an Amending Agreement to the existing Services Agreement between the partner municipalities and the Ontario Clean Water Agency for the contracted operation of the Elgin-Middlesex Pumping Station:

- a) the proposed by-law as appended to the above-noted staff report BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022, to approve an Amending Agreement Between Ontario Clean Water Agency and the Corporation of the City of London, Aylmer Area Secondary Water Supply System Board of Management and the St. Thomas Area Secondary Water Supply System Board of Management, for the continued contracted operation of the Elgin-Middlesex Pumping Station;
- b) the Mayor and the City Clerk BE AUTHORIZED to execute the Amending Agreement, substantially in the form as appended to the above-noted by-law, and satisfactory to the City Solicitor, and all documents required to fulfill its conditions; and,
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this Amending Agreement;

it being noted that the Boards of Management for both Secondary Water Supply Systems are concurrently undertaking similar actions to enter into this agreement. (2022-E13)

**Motion Passed**

5. (2.4) 2021 Drinking Water Annual Report and Summary Report for the City of London Drinking Water System

Motion made by: E. Pelosa

That, on the recommendation of the Director, Water, Wastewater, and Stormwater, the staff report dated February 1, 2022, related to the 2021 Drinking Water Annual Report and Summary Report for the City of London Drinking Water System BE RECEIVED for information. (2022-E13)

**Motion Passed**

6. (2.5) Area Speed Limit Amendments to the Traffic and Parking By-law (Relates to Bill No. 106)

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the proposed by-law as appended to the staff report dated February 1, 2022 BE INTRODUCED at the



Municipal Council meeting to be held on February 15, 2022, to amend By-law PS-114 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London". (2022-T08)

**Motion Passed**

7. (2.6) Contract Award: Tender No. 21-109 - Victoria Bridge Replacement

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated February 1, 2022, related to the award of contracts for the Victoria Bridge Replacement Project (Tender No. 21-109):

- a) the bid submitted by McLean Taylor Construction Limited at its tendered price of \$22,771,238.28, excluding HST, for the Victoria Bridge Replacement Project, BE ACCEPTED; it being noted that the bid submitted by McLean Taylor Construction Limited was the lowest of eight bids received and meets the City's specifications and requirements in all areas;
- b) AECOM Canada Limited BE AUTHORIZED to carry out the resident inspection and contract administration for this project at an upset amount of \$1,740,991.00 excluding HST, in accordance with Section 15.2 (g) of the City of London Procurement of Goods and Services Policy;
- c) the financing for this project BE APPROVED as set out in the Sources of Financing Report as appended to the above-noted staff report;
- d) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this project;
- e) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract, or issuing a purchase order for the work to be done relating to this project (Tender 21-109); and,
- f) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2022-T10)

**Motion Passed**

8. (2.7) Contract Award: Tender No. 21-117 - East London Link and Municipal Infrastructure Improvements Phase 1

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated February 1, 2022, related to the award of contracts for the East London Link and Municipal Infrastructure Improvements Phase 1 project:

- a) the bid submitted by Bre-Ex Construction Inc. at its tendered price of \$20,887,870.36, excluding HST, for the East London Link and Municipal Infrastructure Improvements Phase 1 project, BE ACCEPTED; it being noted that the bid submitted by Bre-Ex Construction Inc. was the lowest of 5 bids received and meets the City's specifications and requirements in all areas;
- b) AECOM Canada Ltd. BE AUTHORIZED to carry out the resident inspection and contract administration for the said project in accordance with the estimate, on file, at an upset amount of \$1,565,255.00, excluding HST, in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;
- c) the financing for this project BE APPROVED as set out in the Sources of Financing Report as appended to the above-noted staff report;
- d) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this project;
- e) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract, or issuing a purchase order for the material to be supplied and the work to be done, relating to this project (Tender 21-117); and,
- f) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2022-T10)

**Motion Passed**

9. (2.8) Exclusion of H.I.R.A. Limited from the City of London's Bidding and Tender Processes

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to staff report dated February 1, 2022, related to an outstanding legal action against the City of London:

- a) H.I.R.A. Limited BE EXCLUDED from any City of London bidding opportunities until such time as they are no longer in litigation against the City of London in accordance with Section 19.6 of the City of London's Procurement of Goods and Services Policy; and,
- b) the balance of this report BE RECEIVED for information. (2022-E03)

**Motion Passed**

10. (5.1) Deferred Matters List

Motion made by: E. Pelosa

That the Civic Works Committee Deferred Matters List as at January 24, 2022, BE RECEIVED.

**Motion Passed**

11. (5.2) 2nd Report of the Cycling Advisory Committee

Motion made by: E. Pelosa

That the 2nd Report of the Cycling Advisory Committee, from its meeting held on January 19, 2022, BE RECEIVED

**Motion Passed**

12. (5.3) Municipal Drain Petitions - Scotland Farms

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated February 1, 2022, related to the municipal drain petitions for Scotland Farms:

a) the petitions for two new Municipal Drains to be located at 2657 Scotland Drive (Lot 14 and 15) to benefit the drainage of the east and west sides of the property BE ACCEPTED by the Council of the Corporation of the City of London under Section 5 of the Drainage Act; and,

b) Mike DeVos, P.Eng. of Spriet Associates London Limited BE APPOINTED under Section 8 of the Drainage Act to complete a report for the new drains.

**Motion Passed**

- 8.5 3rd Report of the Planning and Environment Committee

Motion made by: A. Hopkins

That the 3rd Report of the Planning and Environment Committee BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelosa, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interests

Motion made by: A. Hopkins

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) 2nd Report of the Environmental and Ecological Planning Advisory Committee

Motion made by: A. Hopkins

That, the following actions be taken with respect to the 2nd Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on January 20, 2022:

- a) the Working Group report relating to the property located at 4519 Colonel Talbot Road BE REFERRED to the Civic Administration for consideration; and,
- b) clauses 1.1, 2.1 and 2.2, inclusive, 3.1, 4.2 and 5.1 to 5.5, inclusive, BE RECEIVED for information.

**Motion Passed**

- 3. (2.2) 3425 Grand Oak Crossing (H-9414) (Relates to Bill No. 114)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by 2219008 Ontario Limited (York Developments), relating to the property located at 3425 Grand Oak Crossing, the proposed by-law appended to the staff report dated January 31, 2022, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022, to amend Zoning By-law No. Z.-1, (in conformity with the 1989 Official Plan), to change the zoning of the subject property FROM a Holding Residential R6 Special Provision (h\*h-100\*h-198\*R6-5(43)) Zone TO a Residential R6 Special Provision Zone (R6-5(43)). (2022-D09)

**Motion Passed**

- 4. (3.1) Housekeeping Amendment to Secondary Plans (O-9346) (Relates to Bill No.'s 98, 99, 100, 101 and 102)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to housekeeping amendments to approved Secondary Plans:

- a) the proposed by-law appended to the staff report dated January 31, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to AMEND the McCormick Area Secondary Plan, to DELETE references to the 1989 Official Plan and to ADD references to The London Plan;
- b) the proposed by-law appended to the staff report dated January 31, 2022 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to AMEND the Old Victoria Hospital Lands Secondary Plan, to DELETE references to the 1989 Official Plan and to ADD references to The London Plan;
- c) the proposed by-law appended to the staff report dated January 31, 2022 as Appendix "C" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to AMEND the Riverbend South Secondary Plan, to DELETE references to the 1989 Official Plan and to ADD references to The London Plan;
- d) the proposed by-law appended to the staff report dated January 31, 2022 as Appendix "D" BE INTRODUCED at the

Municipal Council meeting to be held on February 15, 2022 to AMEND the Old East Village Dundas Street Corridor Secondary Plan, to DELETE references to the 1989 Official Plan and to ADD references to The London Plan;

e) the proposed by-law appended to the staff report dated January 31, 2022 as Appendix "E" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to AMEND the Beaufort/Irwin/Gunn/ Saunby (BIGS) Neighbourhood Secondary Plan, to DELETE references to the 1989 Official Plan and to ADD references to The London Plan; and,

f) the Civic Administration BE DIRECTED to report back at a future meeting of the Planning and Environment Committee with an in-depth review of the Southwest Area Secondary Plan to consider the potential for broader changes; it being noted that changes to the London Psychiatric Hospital Secondary Plan will be addressed through Official Plan and Zoning By-law amendment (OZ-9328);

it being pointed out that the Planning and Environment Committee reviewed and received a communication dated January 28, 2022, from L. Logan, Vice-President, Operations and Finance, Western University, with respect to this matter;

it being further pointed out that at the public participation meeting associated with these matters, the individual indicated on the ~~attached~~ public participation meeting record made an oral submission regarding these matters;

it being further noted that the Municipal Council approves this application for the following reason:

- the purpose and effect of the recommended action is to update Secondary Plans to reflect the transition from the 1989 Official Plan to The London Plan. The recommended action will assist in the interpretation and implementation of the Secondary Plans in conjunction with The London Plan and to improve clarity and consistency of policies and maps in the Plans. (2022-D08)

### **Motion Passed**

5. (3.2) 3207 Woodhull Road (O-9429/Z-9430) (Relates to Bill No.'s 103 and 115)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Karen and Eric Auzins, relating to the property located at 3207 Woodhull Road:

a) the proposed by-law appended to the staff report dated January 31, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to amend The London Plan to change the designation of a portion of the subject lands FROM a Farmland Place Type TO a Green Space Place Type on Map 1 – Place Types, and to change the identification and delineation of natural heritage features on a portion of the subject lands FROM a Potential Environmentally Significant Area TO an Environmentally Significant Area on Map 5 – Natural Heritage;

b) the proposed by-law appended to the staff report dated January 31, 2022 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to amend Zoning By-law No. Z.-1, (in conformity with The London Plan as amended in part a) above), to change the zoning of the subject lands proposed to be severed FROM a Holding Open Space (h-2\*OS4) Zone, an Agricultural (AG2) Zone and an Environmental Review (ER) Zone TO an Open Space Special Provision (OS5(\*)) Zone, and to change the zoning of the lands proposed to be retained FROM an Agricultural (AG2) Zone, a Holding Open Space (h-2\*OS4) Zone and an Environmental Review (ER) Zone TO an Agricultural Special Provision (AG2(\_)) Zone, a Holding Agricultural Special Provision (h-\_\*AG2(\_)) Zone, an Open Space Special Provision (OS5(\*\*)) Zone and an Environmental Review (ER) Zone;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the ~~attached~~ public participation meeting record made oral submissions regarding these matters;

it being noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, Farmland and Green Space Place Types, and Natural Heritage Features and Hazards; and,
- the recommended changes to Maps 1 and 5 of The London Plan support the conservation and protection of environmentally significant features and functions over the long-term. (2022-D09)

### **Motion Passed**

6. (3.3) 755-785 Wonderland Road South (O-9409/Z-9410) (Relates to Bill No.'s 96 and 116)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the applications by The Corporation of the City of London and McCorr Management (East) Inc., relating to the property located at 755-785 Wonderland Road South:

a) the proposed by-law appended to the staff report dated January 31, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to amend the 1989 Official Plan by ADDING a policy to section 10.1.3 – Policies for Specific Areas;

b) the proposed by-law appended to the staff report dated January 31, 2022 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the 1989 Official Plan, as amended in part a) above), to change the zoning of the subject property FROM a Regional Shopping Area Special Provision (RSA2(2)) Zone TO a Regional Shopping Area Special Provision (RSA2(\_)) Zone;

it being pointed out that the Planning and Environment Committee reviewed and received a staff presentation with respect to this

matter;

it being further pointed out that at the public participation meeting associated with these matters, the individuals indicated on the ~~attached~~ public participation meeting record made oral submissions regarding these matters;

it being noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the criteria for Specific Area Policies and Planning Impact Analysis;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Shopping Area Place Type;
- the recommended amendment would permit a new use that is appropriate within the surrounding context ; and,
- the recommended amendment would repurpose existing vacant and underutilized building stock and would provide convenient access to services for dog owners in the urban area of the city, thereby reducing the length and number of vehicle trips. (2022-D09)

#### **Motion Passed**

7. (3.4) 345 Sylvan Street (SPA21-112)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by the Housing Development Corporation, London, relating to the property located at 345 Sylvan Street:

- a) the Approval Authority BE ADVISED that the following issues were raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of a 42-unit apartment building:
- i) lighting;
  - ii) board on board wooden fence instead of the proposed chain link fence;
  - iii) loss of privacy;
  - iv) evergreen trees instead of the proposed deciduous trees and requesting maintenance of existing trees on the lot; and,
  - v) movement through the lot with quick ingress and egress; and,
- b) the Approval Authority BE ADVISED that the Municipal Council advised of the following issues with respect to the Site Plan Application, and that the Municipal Council supports the Site Plan Application:
- i) a six foot board on board wooden fence with one foot of lattice on top instead of the proposed chain link fence; and,
  - ii) fir trees and requesting maintenance of existing trees on the lot;

it being pointed out that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a communication dated January 14, 2022 from J. Lanys, by e-mail;
- a communication dated January 16, 2022 from K. Busche, by e-mail;
- a communication dated January 16, 2022 from L. Gosnell, by e-mail;
- a communication dated January 17, 2022 from A. Sworik, by e-mail;
- a communication dated January 19, 2022 from D. Gosnell; and,
- the staff presentation;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the ~~attached~~ public participation meeting record made oral submissions regarding these matters;

it being noted that the Municipal Council approves this application for the following reasons:

- the proposed Site Plan is consistent with the Provincial Policy Statement, 2020, which directs development to designated growth areas and that development be adjacent to existing development;
  - the proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan;
  - the proposed Site Plan is in conformity with the policies of the Low Density Residential designation of the Official Plan (1989) and will implement an appropriate form of residential intensification for the site;
- the proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law; and,
- the proposed Site Plan conforms to the regulations of the Site Plan Control By-law. (2022-D09)

**Motion Passed**

8. (4.1) Secondary Plan for Meadowlilly Road Area

Motion made by: A. Hopkins

That the communication dated January 4, 2022, from J. Crockett, President, Friends of Meadowlilly Woods Community Association, with respect to the request for a Secondary Plan for the Meadowlilly Road Area BE RECEIVED for information. (2022-D09)

**Motion Passed**

8.6 4th Report of the Planning and Environment Committee

At 5:03 PM, the Mayor places Councillor J. Morgan in the Chair.

At 5:05 PM, the Mayor resumes the Chair.

Motion made by: A. Hopkins

That the 4th Report of the Planning and Environment Committee BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelosa, J. Fyfe-Millar, and S. Hillier



**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: A. Hopkins

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) 2021 Annual Development Report

Motion made by: A. Hopkins

That the staff report dated February 7, 2022 entitled "2021 Annual Development Report" BE RECEIVED for information;

it being noted that the Planning and Environment Committee reviewed and received a communication dated February 3, 2022, from C. Butler, 863 Waterloo Street, with respect to this matter. (2022-A23)

**Motion Passed**

3. (2.2) 2624 Jackson Road and 1635 Commissioners Road East (H-9445) (Relates to Bill No. 117)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Drewlo Holdings Inc., relating to lands located at 2624 Jackson Road and 1635 Commissioners Road East, the proposed by-law appended to the staff report dated February 7, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 (h•h-100•R1-4) Zone and a Holding Residential R1 Special Provision (h•h-100•R1-13(8)) Zone TO a Residential R1 (R1-4) Zone and a Residential R1 Special Provision (R1-13(8)) Zone to remove the h and h-100 holding provisions. (2022-D09)

**Motion Passed**

4. (2.3) 751 Fanshawe Park Road West (H-9448) (Relates to Bill No. 118)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by MTE Consultants Inc., relating to portion of lands located southwest of corner of Sunningdale Road West and Wonderland Road North (formerly known as 751 Fanshawe Park Road West), the proposed by-law appended to the staff report dated February 7, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 (h•R1-4) Zone, a Holding Residential R5/R6 (h•R5-2/R6-4) and an Open Space (OS) Zone TO a Residential R1 (R1-4) Zone, Holding Residential

R5/R6 (h•R5-2/R6-4) and an Open Space (OS1) Zone to remove the h holding provision. (2022-D09)

**Motion Passed**

5. (2.4) 1750 Finley Crescent (P-9369) (Relates to Bill No. 104)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, with respect to the application by Kenmore Homes (London) Inc., the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting on February 15, 2022 to exempt Block 101, Plan 33M-733 from the Part-Lot Control provisions of Subsection 50(5) of the Planning Act, for a period not exceeding three (3) years. (2022-D25)

**Motion Passed**

6. (3.1) 2624 Jackson Road and 1635 Commissioners Road East (Z-9449) (Relates to Bill No. 119)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, with respect to the application by Drewlo Holdings Inc., relating to lands located within the Parker Jackson Subdivision – Phase 1, known municipally as 2624 Jackson Road and 1635 Commissioners Road East, the proposed by-law appended to the staff report dated February 7, 2022 as Appendix 'A' BE INTRODUCED at the Municipal Council meeting to be held on February 15, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 (h•h-100•R1-4) Zone TO a Residential R1 (R1-3) Zone;

it being noted that no individuals spoke at the public participation meeting associated with these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the conditions for removing the holding (h & h-100) provisions have been met and the recommended amendment will allow development of single detached dwellings in compliance with the Zoning By-law;
- subdivision security has been posted with the City in accordance with City policy, and the Subdivision Agreement for Phase 1 has been executed by the applicant and the City; and,
- provision has been made for a looped watermain system to ensure adequate water service, as well as provision for a second public road access to the satisfaction of the City. (2022-D07)

**Motion Passed**

7. (3.2) 475 Grey Street (OZ-9406) (Relates to Bill No.'s 97 and 120)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the

application by 2810645 Ontario Inc., relating to the property located at 475 Grey Street:

a) the proposed by-law appended to the staff report dated February 7, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting on February 15, 2022, to amend the 1989 Official Plan for the City of London Planning Area by ADDING a policy to Chapter 10, Policies for Specific Areas, to permit a maximum residential density of 96 units per hectare (UPH) in the form of stacked townhouses to align the 1989 Official Plan policies with the Neighbourhoods Place Type policies of The London Plan; and,

b) the proposed by-law appended to the staff report dated February 7, 2022 as Appendix "B" BE INTRODUCED at the Municipal Council meeting on February 15, 2022, to amend Zoning By-law No. Z.-1, (in conformity with the 1989 Official Plan as amended in part a) above), to change the zoning of the subject property FROM a Residential R2 Zone TO a Residential R8 Special Provision (R8-4(\_)) Zone;

it being noted that the Planning and Environment Committee reviewed and received a communication dated February 4, 2022 from S. Jones, by e-mail, with respect to this matter;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the ~~attached~~ public participation meeting record made an oral submission regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement (PPS), 2020, which encourages the regeneration of settlement areas, opportunities for intensification and redevelopment, and higher density residential development within transit supportive areas. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
- the recommended amendment to Zoning By-law Z.-1 conforms to the Residential Intensification policies and the Infill Housing and Conversion of Non-Residential Buildings policies of the 1989 Official Plan, and criteria for Policies for Specific Residential Areas which allow Council to address intensification opportunities through specific policies which provide additional guidance to the general Residential policies;
- the recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of the Neighbourhoods Place Type policies of The London Plan and implements Key Directions of The London Plan;
- the re-use of the subject land supports Council's commitment to reducing and mitigating climate change by making efficient use of existing infrastructure and focusing intensification and growth in already developed areas; and,
- the subject lands are an appropriate location for residential infill and intensification in a stacked townhouse form. The recommended amendments are consistent with and appropriate for the site and surrounding context. (2022-D07)

**Motion Passed**

8. (3.3) 346, 370 and 392 South Street & 351, 373 and 385 Hill Street  
(Relates to Bill No. 105)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Vision SoHo Alliance, relating to the properties located at 346, 370 and 392 South Street and 351, 373 and 385 Hill Street:

a) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to a property located at 346, 370 and 392 South Street and 351, 373 and 385 Hill Street; and,

b) the Approval Authority BE ADVISED that the Municipal Council has no issues with respect to the Site Plan Approval application and the Municipal Council supports the Site Plan Approval application relating to the property located at 346, 370 and 392 South Street and 351, 373 and 385 Hill Street;

it being noted that the Planning and Environment Committee reviewed and received the staff presentation with respect to these matters;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the ~~attached~~ public participation meeting record made an oral submission regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, which directs new development to designated growth areas and areas adjacent to existing development;
- the proposed Vacant Land Condominium conforms to the in-force policies of The London Plan including but not limited to Our Tools, Key Directions, and the Neighbourhoods Place Type policies; and,
- the proposed Vacant Land Condominium conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-Family, High Density Residential Designation and will implement an appropriate form of residential development for the site. (2022-D07)

**Motion Passed**

9. (4.1) Inclusionary Zoning

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the Inclusionary Zoning review:

a) the preliminary findings of the Inclusionary Zoning Review ~~attached~~ hereto as Appendix "C" BE RECEIVED for information; and

b) the Ministry of Municipal Affairs and Housing BE REQUESTED to consider the City of London Assessment Report evaluating the

potential for, and feasibility of, Inclusionary Zoning on a city-wide basis, incorporating lands outside of the Protected Major Transit Station Areas (PMTSAs) as Inclusionary Zoning eligibility areas;

it being noted that the Minister may prescribe the City of London through Planning Act, R.S.O. 1990, c .P. 13, section 16(4) so that the area where Inclusionary Zoning may potentially be applied incorporates lands outside of the designated PMTSAs;

it being further noted that the request is clause b) above is to broaden the review of the potential new tool of Inclusionary Zoning;

it being also noted that the Planning and Environment Committee reviewed and received the following with respect to these matters:

- the staff presentation;
- the consultants' presentation;
- a communication dated February 2, 2022, from Mike Wallace, Executive Director, London Development Institute; and,
- a communication dated February 3, 2022, from Jared Zaifman, CEO, London Home Builders' Association;

it being pointed out that the Planning and Environment Committee heard verbal delegations from the following with respect to these matters:

- Mike Wallace, Executive Director, London Development Institute; and,
- Jared Zaifman, CEO, London Home Builders' Association. (2022-D14)

**Motion Passed**

10. (5.1) December, 2021 Building Division Monthly Report

Motion made by: A. Hopkins

That the Building Division Monthly Report for December 2021 BE RECEIVED for information. (2022-A23)

**Motion Passed**

8.4 3rd Report of the Strategic Priorities and Policy Committee

Motion made by: J. Morgan

That the 3rd Report of the Strategic Priorities and Policy Committee BE APPROVED, excluding items 3 (4.1), 5 (4.3), 8 (4.6), 11 (4.9) and 12 (4.10).

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: J. Morgan

That it BE NOTED that the following pecuniary interests were disclosed:

a) Councillor S. Lehman discloses a pecuniary interest in clause 4.1 having to do with the Core Area Pilot Program involving the London Downtown Business Association (LDBA) and clause 4.6 having to do with the appointment to the LDBA, by indicating he is a member of the LDBA.

b) Councillor P. Van Meerbergen discloses a pecuniary interest in clause 4.9 having to do with the 7th Report of the Governance Working Group and specifically the Childcare Advisory Committee being dissolved, by indicating that his wife owns/operates a childcare business.

**Motion Passed**

2. (2.1) Anonymized Application Review for the London Community Grants Program

Motion made by: J. Morgan

That, on the recommendation of the Deputy City Manager, Neighbourhood and Community-Wide Services, the staff report dated February 8, 2022 regarding an Anonymized Application Review for the London Community Grants Program BE RECEIVED for information.

**Motion Passed**

4. (4.2) Draft Climate Emergency Action Plan

Motion made by: J. Morgan

That, on the recommendation of the Deputy City Manager, Environment & Infrastructure, the following actions be taken with respect to the draft Climate Emergency Action Plan:

a) the draft Climate Emergency Action Plan, as appended to the staff report dated February 8, 2022 as Appendix "A", BE RECEIVED;

b) the draft Climate Emergency Action Plan Foundational Actions, as appended to the staff report dated February 8, 2022 as Appendix "B", BE RECEIVED;

c) the Background Information (Supporting Documents) to Develop the Draft Climate Emergency Action Plan, as appended to the staff report dated February 8, 2022 as Appendix "C", BE RECEIVED for information; and,

d) the Civic Administration BE DIRECTED to hold a public participation meeting at the April 5, 2022 Strategic Priorities and Policy Committee with respect to the draft Climate Emergency Action Plan;

it being noted that the Strategic Priorities and Policy Committee received a presentation from the Director, Climate Change, Environment & Waste Management and a communication dated February 6, 2022 from Councillor M. van Holst with respect to this matter.

**Motion Passed**

6. (4.4) London and Middlesex Community Housing

Motion made by: J. Morgan

That Anne-Marie Mitchell BE APPOINTED to the London & Middlesex Community Housing Board of Directors for the term ending December 31, 2025 (Third Class); it being noted that the Strategic Priorities and Policy Committee received a communication from A. Anderson, Board of Directors, London & Middlesex Community Housing with respect to this matter.

**Motion Passed**

7. (4.5) Consideration of Appointment to the Waste Management Working Group

Motion made by: J. Morgan

That the following BE APPOINTED to the Waste Management Working Group for the term ending November 14, 2022 or when the City's Resource Recovery Plan and Residual Waste Disposal Plan are approved by Council, whichever comes first:

Councillor S. Turner  
Councillor M. van Holst  
Councillor E. Pelosa

**Motion Passed**

9. (4.7) 1st Report of the Diversity, Inclusion and Anti-Oppression Advisory Committee

Motion made by: J. Morgan

That the following actions be taken with respect to the 1st Report of the Diversity, Inclusion and Anti-Oppression Advisory Committee from its meeting held on December 16, 2021:

- a) the communication from L. Poeta with respect to the Canadian Brewhouse Inukshuk BE REFERRED to Civic Administration for their consideration; and
- b) clauses 1.1, 2.1, 2.2, 3.1, 4.1, 4.2, 5.1, 5.2, 5.3, 5.4, 6.1 and 6.3 BE RECEIVED for information.

**Motion Passed**

10. (4.8) 2nd Report of the Diversity, Inclusion and Anti-Oppression Advisory Committee

Motion made by: J. Morgan

That the following actions be taken with respect to the 2nd Report of the Diversity, Inclusion and Anti-Oppression Advisory Committee from its meeting held on January 20, 2022:

- a) the Civic Administration BE REQUESTED to include a template for the Acknowledgement of Indigenous Lands on all future Diversity, Inclusion and Anti-Oppression Advisory Committee Agendas;

it being noted that the meeting was opened with an Acknowledgement of Indigenous Lands by M. Buzzelli; and,

b) clause 1.1, 2.2, 3.1, 4.1, 5.1, 5.2, 5.3, 5.4, 6.1, 6.2, 6.3, 7.1 and 7.2 BE RECEIVED for information.

**Motion Passed**

13. (5.1) Audit and Accountability Fund - Intake 3 - Transfer Payment Agreement and Single Source Contract Award (Relates to Bill No. 91)

Motion made by: J. Morgan

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken:

- a) the proposed by-law as appended to the staff report dated February 8, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting on February 15, 2022, to:
- i) approve the Ontario Transfer Payment Agreement, appended as Appendix "B" to the proposed by-law, for the Audit and Accountability Fund – Intake 3 (the "Agreement") between Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs and Housing and The Corporation of the City of London;
  - ii) authorize the Mayor and the City Clerk to execute the Agreement;
  - iii) delegate authority to the Deputy City Manager, Planning and Economic Development, or their written delegate, to approve further Amending Agreements to the above-noted Transfer Payment Agreement for the Audit and Accountability Fund;
  - iv) authorize the Mayor and Clerk to execute any amending agreements approved by the Deputy City Manager, Planning and Economic Development; and,
  - v) authorize the Deputy City Manager, Planning and Economic Development, or their written delegate, to execute any financial reports required under this Agreement and to undertake all administrative, financial, and reporting acts necessary in connection with the Agreement;
- b) a Single Source Procurement (SS-2022-044) in accordance with section 14.4(e) of the Procurement of Goods and Services Policy BE AWARDED to EZSigma Group, 61 Wellington Street East, Aurora, ON, L4G 1H7, to conduct the Audit and Accountability Fund Intake 3 – Site Plan Resubmission Process Review for the City of London at a cost of up to \$305,280.00 (including HST); and,
- c) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this matter.

**Motion Passed**

3. (4.1) Strategy to Reduce Core Area Vacancy - Business Case: Core Area Pilot Program

Motion made by: J. Morgan



That the following actions be taken with respect to the “Strategy to Reduce Core Area Vacancy – Business Case: Core Area Pilot Program”:

- a) the communication dated February 8, 2022 from Planning and Economic Development regarding the Strategy to Reduce Core Area Vacancy - Business Case: Core Area Pilot Program BE RECEIVED;
- b) the funding request by London Economic Development Corporation as presented in the “Business Case: Core Area Pilot Program” BE APPROVED; and,
- c) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required by the City Solicitor, to implement the approved noted in part b) above.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Recuse: (1): S. Lehman

**Motion Passed (14 to 0)**

- 5. (4.3) A London For Everyone: An Action Plan to Disrupt Islamophobia

At 5:10 PM, the Mayor places Councillor J. Morgan in the Chair.

At 5:13 PM, the Mayor resumes the Chair.

Motion made by: J. Morgan

That on the recommendation of the City Manager, the following action be taken with respect to ending Islamophobia in London:

- a) the report of the Anti-Islamophobia Working Group, A London for Everyone: An Action Plan to Disrupt Islamophobia (Action Plan), ~~attached~~ to the staff report dated February 8, 2022 as Appendix "A", BE ENDORSED;
- b) the recommendations of A London for Everyone: An Action Plan to Disrupt Islamophobia which are specifically directed towards the Corporation of the City of London BE ENDORSED;
- c) letters of support, from Community Based and Public Sector organizations and individual members of the Muslim communities, ~~attached~~ to the staff report as Appendix "B", BE RECEIVED;
- d) the members of the London Anti-Islamophobia Working Group BE THANKED for their time and effort in developing recommendations to end Islamophobia in London;
- e) one-time funding of up to \$150,000 BE AUTHORIZED from the Operating Budget Contingency Reserve for the erection of a memorial plaza at the intersection of Hyde Park Road/South Carriage Road, creation of a mural, and establishment of a Community Garden in honour of Our London Family;
- f) the Mayor BE DIRECTED to establish an Anti-Islamophobia Advisory Council/Circle, with appropriate representation of diverse Muslims in London, to meet quarterly with the responsibility to provide oversight for the implementation of the Action Plan recommendations directed to the Corporation of the City of London;

g) the Civic Administration BE DIRECTED to undertake the following actions for accountability and implementation:

i) establish a Muslim Community Liaison Advisor role within the Anti-Racism Anti-Oppression Division with the responsibility of working with community partners and the City of London to implement the recommendations of the Action Plan, it being noted that this position will be funded on a temporary basis within existing budget resources;

ii) continue the work of the Anti-Islamophobia Working Group to provide a forum to update on progress, share best practices and hold each other accountable;

iii) request that the Community Diversity & Inclusion Strategy (CDIS) consider whether Islamophobia should form a distinct priority within the Strategy; and,

iv) create an implementation plan for the Corporation of the City of London actions to end Islamophobia with activities, responsibilities, timelines, measures, and budget requirements (inclusive of additional funding needs) by September 2022;

h) the Civic Administration BE DIRECTED to share the A London for Everyone: An Action Plan to Disrupt Islamophobia with local Provincial and Federal Members of Parliament, the Association of Municipalities of Ontario, and the Federation of Canadian Municipalities;

it being noted that the Strategic Priorities and Policy Committee received a presentation from the Director, Anti-Racism and Anti-Oppression with respect to this matter.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

8. (4.6) Appointment to the London Downtown Business Association

Motion made by: J. Morgan

That Councillor J. Fyfe-Millar BE APPOINTED to the London Downtown Business Association for the term ending November 14, 2022; it being noted that the Strategic Priorities and Policy Committee received a communication dated January 20, 2022 from Councillor J. Helmer with respect to this matter.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, J. Fyfe-Millar, and S. Hillier

Recuse: (1): S. Lehman

**Motion Passed (14 to 0)**

11. (4.9) 7th Report of the Governance Working Group

Motion made by: J. Morgan

That the following actions be taken with respect to the 7th Report of the Governance Working Group from its meeting held on January 17, 2022:

a) based on the results of the Council-directed Advisory Committee Member consultation, the Governance Working Group (GWG) recommends the following actions be taken:

- i) the ~~attached~~ revised Terms of Reference for the London Community Advisory Committees (LCAC) BE APPROVED for enactment;
  - ii) the Civic Administration BE DIRECTED to recruit for the membership appointments for all of the LCACs, included in part a) above, upon Council approval;
  - iii) the Civic Administration BE DIRECTED to report back to a future meeting of the GWG with respect to an updated General Terms of Reference for all Advisory Committees to support the approved new structure, including but not limited to the feedback collected from the Advisory Committee consultation with respect to recruitment, term, flexibility in procedure, and reporting;
  - iv) an additional round of consultation with the newly established LCACs, once established, BE UNDERTAKEN to identify any additional considerations around operational matters;
  - v) the Civic Administration BE DIRECTED to report back to the Strategic Priorities and Policy Committee with a plan to establish a new Housing Committee to assist Council in meeting its goals under the approved municipal budget, the Strategic Plan and the Roadmap to 3000, with the committee include representatives from London and Middlesex Community Housing, community members at large, and relevant housing not-for-profits, organizations, and industry partners;
  - vi) the Childcare Advisory Committee BE DISSOLVED and no new related committee be established.
- b) clause 1.1 BE RECEIVED for information.

Motion made by: J. Morgan

That all of clause 4.9 BE APPROVED, excluding:

- a) i)
- a) ii)
- a) vi)

That the following actions be taken with respect to the 7th Report of the Governance Working Group from its meeting held on January 17, 2022:

a) based on the results of the Council-directed Advisory Committee Member consultation, the Governance Working Group (GWG) recommends the following actions be taken:

- iii) the Civic Administration BE DIRECTED to report back to a future meeting of the GWG with respect to an updated General Terms of Reference for all Advisory Committees to support the approved new structure, including but not limited to the feedback collected from the Advisory Committee consultation with respect to recruitment, term, flexibility in procedure, and reporting;

iv) an additional round of consultation with the newly established LCACs, once established, BE UNDERTAKEN to identify any additional considerations around operational matters;

v) the Civic Administration BE DIRECTED to report back to the Strategic Priorities and Policy Committee with a plan to establish a new Housing Committee to assist Council in meeting its goals under the approved municipal budget, the Strategic Plan and the Roadmap to 3000, with the committee include representatives from London and Middlesex Community Housing, community members at large, and relevant housing not-for-profits, organizations, and industry partners;

b) clause 1.1 BE RECEIVED for information.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelosa, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

Motion made by: J. Morgan

Parts a) i) and a) ii) of clause 4.9 BE APPROVED.

i) the ~~attached~~ revised Terms of Reference for the London Community Advisory Committees (LCAC) BE APPROVED for enactment;

ii) the Civic Administration BE DIRECTED to recruit for the membership appointments for all of the LCACs, included in part a) above, upon Council approval;

Yeas: (12): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, P. Van Meerbergen, E. Pelosa, J. Fyfe-Millar, and S. Hillier

Nays: (3): J. Helmer, A. Hopkins, and S. Turner

**Motion Passed (12 to 3)**

Motion made by: J. Morgan

That part a) vi) BE APPROVED:

vi) the Childcare Advisory Committee BE DISSOLVED and no new related committee be established.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelosa, J. Fyfe-Millar, and S. Hillier

Nays: (1): J. Helmer

Recuse: (1): P. Van Meerbergen

**Motion Passed (13 to 1)**

12. (4.10) Unique Part-Time Role of Council

Motion made by: J. Morgan

That the Governance Working Group BE REQUESTED to discuss and report back to the Strategic Priorities and Policy Committee with their recommendations about Council continuing as a unique-part-time-role versus transitioning to a unique-full-time-role.

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (4): S. Lehman, A. Hopkins, P. Van Meerbergen, and S. Turner

**Motion Passed (11 to 4)**

8.7 1st Report of the Audit Committee

Motion made by: J. Morgan

That the 1st Report of the Audit Committee BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

1. (1.1) Disclosures of Pecuniary Interest

Motion made by: J. Morgan

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (1.2) Election of Vice Chair for the term ending November 14, 2022

Motion made by: J. Morgan

That Councillor Helmer BE APPOINTED as Vice Chair for the term ending November 14, 2022.

**Motion Passed**

3. (3.1) Introduction of MNP - Deepak Jaswal, Senior Manager, Enterprise Risk Services, MNP

Motion made by: J. Morgan

That it BE NOTED that a verbal presentation from D. Jaswal, Senior Manager, Enterprise Risk Services, MNP, G. Rodrigues, Partner, National Leader, Internal Audit, MNP, J. Barbour, Partner, MNP, and P. Racco, Partner, MNP, with respect to an introduction to Internal Audit Services for the City of London, was received.

**Motion Passed**

4. (4.1) Audit Planning Report for the Year Ending December 31, 2021

Motion made by: J. Morgan

That the KPMG LLP Audit Planning Report, for the year ending December 31, 2021, BE APPROVED.

**Motion Passed**

5. (4.2) London Downtown Closed Circuit Television Program for the Year Ending December 31, 2021

Motion made by: J. Morgan

That the KPMG Report on Specified Auditing Procedures for the London Downtown Closed Circuit Television Program, for the year ending December 31, 2021, BE RECEIVED.

**Motion Passed**

6. (4.3) Internal Audit Dashboard as at January 31, 2022

Motion made by: J. Morgan

That the communication from Deloitte, regarding the internal audit dashboard as of January 31, 2022, BE RECEIVED.

**Motion Passed**

7. (4.4) Internal Audit Summary Update

Motion made by: J. Morgan

That the communication dated January 31, 2022, from Deloitte, with respect to the internal audit summary update, BE RECEIVED.

**Motion Passed**

8. (4.5) Observation Summary as at October 22, 2021

Motion made by: J. Morgan

That the Observation Summary from Deloitte, as of October 22, 2021, BE RECEIVED.

**Motion Passed**

9. (4.6) Advanced Traffic Management System (ATMS) Project Review

Motion made by: J. Morgan

That the Internal Audit Report from Deloitte with respect to Advanced Traffic Management System (ATMS) Project Review performed December 2021, issued January 28, 2022, BE RECEIVED.

**Motion Passed**

10. (4.7) Fire Process Assessment

Motion made by: J. Morgan

That the Internal Audit Report from Deloitte with respect to Fire Process Assessment performed November 2021 to January 2022, issued January 28, 2022, BE RECEIVED.

**Motion Passed**

11. (4.8) Fleet Allocation and Utilization Management Assessment

Motion made by: J. Morgan

That the Internal Audit Report from Deloitte with respect to Fleet Allocation and utilization Management Assessment performed November 2021 to January 2022, issued January 28, 2022, BE RECEIVED.

**Motion Passed**

**9. Added Reports**

9.2 (ADDED) 4th Report of the Strategic Priorities and Policy Committee

Motion made by: J. Morgan

That the 4th Report of the Strategic Priorities and Policy Committee BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: J. Morgan

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) Streamline Development Approval Fund - Transfer Payment Agreement

Motion made by: J. Morgan

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken:

a) the proposed by-law as appended to the staff report dated February 15, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting on February 15, 2022, to:

i) approve the Ontario Transfer Payment Agreement, attached as Schedule A to the proposed by-law, for the Streamline Development Approval Fund (the "Agreement") between Her Majesty the Queen in Right of Ontario as represented by the

Minister of Municipal Affairs and Housing and The Corporation of the City of London;

- ii) authorize the Mayor and the City Clerk to execute the Agreement;
- iii) delegate authority to the Deputy City Manager, Planning and Economic Development, or their written delegate, to approve further Amending Agreements to the above-noted Transfer Payment Agreement for the Streamline Development Approval Fund;
- iv) authorize the Mayor and Clerk to execute any amending agreements approved by the Deputy City Manager, Planning and Economic Development; and,
- v) authorize the Deputy City Manager, Planning and Economic Development, or their written delegate, to execute any financial reports required under this Agreement and to undertake all administrative, financial, and reporting acts necessary in connection with the Agreement;
- b) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this matter.

**Motion Passed**

**10. Deferred Matters**

None.

**11. Enquiries**

Councillor A. Hopkins enquires with respect to the process for the approvals associated with the Reptilia building permit at Westmount Mall. The Deputy City Manager, Planning and Economic Development provides information to the Council with respect to this matter.

Councillor M. van Holst enquires with respect to downtown street closures over the previous weekend. The City Manager provides information to the Council with respect to this matter.

**12. Emergent Motions**

12.1 Councillor M. Cassidy - Proclamation Request - International Day of the Elimination of Racial Discrimination

Motion made by: A. Hopkins  
Seconded by: M. Hamou

That pursuant to section 20.2 of the Council Procedure By-law leave BE GIVEN to introduce the following emergent motion related to a request for support from Councillor Cassidy of the application from London & Middlesex Local Immigration Partnership, submitted on February 4, 2022, to proclaim March 21, 2022 "International Day of the Elimination of Racial Discrimination".

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier



**Motion Passed (15 to 0)**

Motion made by: M. Cassidy  
Seconded by: M. Hamou

That based on the application from London & Middlesex Local Immigration Partnership, March 21, 2022 BE PROCLAIMED “International Day of the Elimination of Racial Discrimination” day.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

**13. By-laws**

Motion made by: E. Pelozza  
Seconded by: M. van Holst

That introduction and first reading of Bill No.’s 90 to 120, and the Added Bill No. 121, BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

Motion made by: P. Van Meerbergen  
Seconded by: S. Hillier

That second reading of Bill No.’s 90 to 120, and the Added Bill No. 121, BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

Motion made by: M. Hamou  
Seconded by: M. Cassidy

That third reading and enactment of Bill No.’s 90 to 120, and the Added Bill No. 121, BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

**4. Council, In Closed Session**

Motion made by: J. Fyfe-Millar  
Seconded by: E. Pelozza

That Council rise and go into Council, In Closed Session, for the purpose of considering the following:

4.1 Solicitor-Client Privileged Advice / Litigation/Potential Litigation

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with the purchase of property and settlement of all potential claims located at 220 Wellington Road South, London; potential litigation with respect to claims by A Team London Inc. in respect of property located at 220 Wellington Road South, London; and directions and instructions to officers and employees or agents of the municipality regarding settlement negotiations in connection with the potential purchase of a property located at 220 Wellington Road South, London. (6.1/3/CSC)

4.2 Solicitor-Client Privileged Advice

A matter pertaining to advice subject to solicitor-client privilege, including communications necessary for that purpose, and advice with respect to litigation with respect to various personal injury and property damage claims against the City. (6.2/3/CSC)

4.3 Personal Matters/Identifiable Individual

A matter pertaining to an identifiable individual; employment-related matters; advice or recommendations of officers and employees of the Corporation, including communications necessary for that purpose and for the purpose of providing instructions and directions to officers and employees of the Corporation. (6.3/3/CSC)

4.4 Litigation / Solicitor-Client Privileged Advice

A matter pertaining to litigation or potential litigation; advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation with respect to litigation currently before the Superior Court of Justice, Court File No. 2112/19, affecting the municipality in relation to Tender T17-104 Vauxhall WWTP Effluent Pumping Station and Berm. (6.1/3/CWC)

4.5 Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the security of municipal property; advice that is subject to solicitor-client privilege including communications necessary for that purpose; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality. (6.1/3/SPPC)

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

The Council convenes in closed session at 5:45 PM with all Members participating.

The Council resumes into public session at 6:28 PM with all Members participating.

**9. Added Reports**

- 9.1 4th Report of Council in Closed Session  
Motion made by: S. Lehman  
Seconded by: J. Fyfe-Millar

1. Property Acquisition, 220 Wellington Road South – Wellington Gateway Project

That, on the recommendation of the City Solicitor's Office the Civic Administration BE DIRECTED to:

- a) offer to purchase the above property and settle all potential claims pursuant to the Expropriation Act on the basis of payment to the registered owner, A Team London Inc., of the total sum of \$1,140,000.00 as full compensation for market value of the land taken, future business losses, disturbance damages and statutory interest, in connection with an acquisition of a commercial property located at 220 Wellington Road South, in the City of London;
- b) offer to settle the legal costs incurred by A Team London Inc., in an amount of up to \$25,000, including disbursements, plus HST, failing which the matter would be referred to assessment by the local assessment officer;
- c) the Mayor and the City Clerk, BE AUTHORIZED to execute an Agreement pursuant to Section 30 of the Expropriations Act between the City and the owner to create the legal framework for the purchase transaction and settlement, all in a form acceptable to the City Solicitor's office, substantially in the form attached as Appendix "C";
- d) the Mayor and the City Clerk, BE AUTHORIZED to execute a lease Agreement between the City and the owner to create the legal framework for the lease by the City of the premises until July 30, 2022, all in a form acceptable to the City Solicitor's office, substantially in the form attached as Appendix "C"; and,
- e) the financing for this settlement BE APPROVED as set out in the Source of Financing attached as Appendix "A".

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Peloza, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Recuse: (1): S. Turner

**Motion Passed (13 to 1)**

Motion made by: M. Hamou

Seconded by: J. Fyfe-Millar

That introduction and first reading of Added Bill No. 122, BE APPROVED.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Peloza, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Recuse: (1): S. Turner

**Motion Passed (13 to 1)**

Motion made by: A. Hopkins

Seconded by: E. Peloza

That second reading of Added Bill No. 122, BE APPROVED.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Recuse: (1): S. Turner

**Motion Passed (13 to 1)**

Motion made by: S. Lehman

Seconded by: E. Pelozza

That third reading and enactment of Added Bill No. 122, BE APPROVED.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Recuse: (1): S. Turner

**Motion Passed (13 to 1)**

Motion made by: S. Turner

Seconded by: J. Helmer

That introduction and first reading of Added Bill No. 123, BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

Motion made by: S. Lewis

Seconded by: P. Van Meerbergen

That second reading of Added Bill No. 123, BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

Motion made by: S. Lewis

Seconded by: J. Fyfe-Millar

That third reading and enactment of Added Bill No. 123, BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

**Motion Passed (15 to 0)**

The following are enacted as by-laws of The Corporation of the City of London:

Bill No. 90	By-law No. A.-8215-56 - A by-law to confirm the proceedings of the Council Meeting held on the 15th day of February, 2022. (City Clerk)
Bill No. 91	By-law No. A.-8216-57 - A by-law to approve and authorize the execution of the Ontario Transfer Payment Agreement between Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Municipal Affairs and Housing for the Province of Ontario and The Corporation of the City of London for the provision of funding to undertake the Site Plan Resubmission Process Review under this intake of the Audit and Accountability Fund. (5.1/3/SPPC)
Bill No. 92	By-law No. A.-8217-58 - A by-law to approve an Amending Agreement Between Ontario Clean Water Agency and the Corporation of the City of London, Aylmer Area Secondary Water Supply System Board of Management and the St. Thomas Area Secondary Water Supply System Board of Management, for the continued contracted operation of the Elgin-Middlesex Pumping Station. (2.3/3/CWC)
Bill No. 93	By-law No. A.-6151(ae)-59 - A by-law to amend By-law No. A.-6151-17, as amended, being "A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the Municipal Act, 2001", by deleting Schedule "C" – Procurement of Goods and Services Policy in its entirety and by replacing it with a new Schedule "C" – Procurement of Goods and Services Policy, to update the Policy, to provide additional clarity and updates (2.3/3/CSC)
Bill No. 94	By-law No. A.-7955(b)-60 - A by-law to amend By-law A.-7955-83, "a bylaw to authorize the Mayor and City Clerk to execute the Resolution Regarding Banking and the Master Client Agreement for Business Client Authorization and any contract or document with the Royal Bank relating to the Ontario Works Royal Bank of Canada Right Pay Reloadable Payment Card Program and to authorize the signing of cheques and the withdrawal or transfer of funds." (2.1a/3/CSC)
Bill No. 95	By-law No. A.-8047(b)-61 - A by-law to amend By-law A.-8047-15, "A bylaw to approve an Amending Agreement between the Bank of Nova Scotia and The Corporation of the City of London." (2.1b/3/CSC)
Bill No. 96	By-law No. C.P.-1284(wq)-62 - A by-law to amend the Official Plan for the City of London, 1989 relating to 755-785 Wonderland Road South. (3.3a/3/PEC)
Bill No. 97	By-law No. C.P.-1284(wr)-63 - A by-law to amend the Official Plan for the City of London, 1989, relating to 475 Grey Street. (3.2a/4/PEC)

Bill No. 98	By-law No. C.P.-1512(aw)-64 - A by-law to amend The London Plan for the City of London, 2016 relating to the McCormick Area Secondary Plan. (3.1a/3/PEC)
Bill No. 99	By-law No. C.P.-1512(ax)-65 - A by-law to amend The London Plan for the City of London, 2016 relating to the Old Victoria Hospital Lands Secondary Plan. (3.1b/3/PEC)
Bill No. 100	By-law No. C.P.-1512(ay)-66 - A by-law to amend The London Plan for the City of London, 2016 relating to the Riverbend South Secondary Plan. (3.1c/3/PEC)
Bill No. 101	By-law No. C.P.-1512(az)-67 - A by-law to amend The London Plan for the City of London, 2016 relating to the Old East Village Dundas Street Corridor Secondary Plan. (3.1d/3/PEC)
Bill No. 102	By-law No. C.P.-1512(ba)-68 - A by-law to amend The London Plan for the City of London, 2016 relating to the Beaufort/Irwin/Gunn/Saunby (BIGS) Neighbourhood Secondary Plan. (3.1e/3/PEC)
Bill No. 103	By-law No. C.P.-1512(bb)-69 - A by-law to amend The London Plan for the City of London, 2016 relating to 3207 Woodhull Road. (3.2a/3/PEC)
Bill No. 104	By-law No. C.P.-1575-70 - A by-law to exempt from Part-Lot Control, lands located at 1750 Finley Crescent, legally described as Block 101 in Registered Plan 33M-733. (2.4/4/PEC)
Bill No. 105	By-law No. L.S.P.-3499-71 - A by-law to designate 370 South Street (Health Services Building) to be of cultural heritage value or interest. (2.9/17/PEC – 2021)
Bill No. 106	By-law No. PS-114-22001 - A by-law to amend By-law PS-114 entitled, “A by-law to regulate traffic and the parking of motor vehicles in the City of London.” (2.5/3/CWC)
Bill No. 107	By-law No. S.-6165-72 - A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Innovation Drive east of Innovation Gate) (Chief Surveyor – for road widening purposes)
Bill No. 108	By-law No. S.-6166-73 - A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to King Edward Avenue and Thompson Road) (Chief Surveyor – for road widening purposes, registered as ER1419534 pursuant to SPA20-054 and in accordance with Z.-1)
Bill No. 109	By-law No. S.-6167-74 - A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Kleinburg Drive) (Chief Surveyor – registration of 33M-787 required 0.3m reserve on abutting plan 33M-749 for unobstructed legal access through a subdivision)

Bill No. 110	By-law No. S.-6168-75 - A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Dingman Drive, west of Wellington Road South) (Chief Surveyor – for road widening purposes, registered as ER1403524, pursuant to SPA17-111 and SPA17-117 and in accordance with Z.-1)
Bill No. 111	By-law No. S.-6169-76 - A by-law to lay out, constitute, establish, name, and assume lands in the City of London as public highway. (to be known as Campbell Street North) (Chief Surveyor – to provide road access to new developments)
Bill No. 112	By-law No. W.-5628(a)-77 - A by-law to amend by-law No. W.-5628-283 being “A by-law to authorize the Sunningdale Road Widening, Phase 3 – Richmond to Wonderland (Project No. TS1496-3).” (6.1/2/CSC)
Bill No. 113	By-law No. W.-5681-78 - A by-law to authorize the Kilally South East Basin – SWMF 1 (Project ESSWM-KILSE). (2.3/2/CWC)
Bill No. 114	By-law No. Z.-1-223000 - A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 3425 Grand Oak Crossing. (2.2/3/PEC)
Bill No. 115	By-law No. Z.-1-223001 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3207 Woodhull Road. (3.2b/3/PEC)
Bill No. 116	By-law No. Z.-1-223002 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 755-785 Wonderland Road South. (3.3b/3/PEC)
Bill No. 117	By-law No. Z.-1-223003 - A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 2624 Jackson Road and 1635 Commissioners Road East. (2.2/4/PEC)
Bill No. 118	By-law No. Z.-1-223004 - A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at southwest of corner of Sunningdale Road West and Wonderland Road North (formerly known as 751 Fanshawe Park Road West). (2.3/4/PEC)
Bill No. 119	By-law No. Z.-1-223005 - A bylaw to amend By-law No. Z.-1 to rezone lands located at 2624 Jackson Road and 1635 Commissioners Road East (Parker Jackson Subdivision – Phase 1). (3.1/4/PEC)
Bill No. 120	By-law No. Z.-1-223006 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 475 Grey Street. (3.2b/4/PEC)



Bill No. 121	By-law No. A.-8218-79 - A by-law to approve and authorize the execution of the Ontario Transfer Payment Agreement between Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Municipal Affairs and Housing for the Province of Ontario and The Corporation of the City of London for the provision of funding under the Streamline Development Approval Fund. (2.1/4/SPPC)
Bill No. 122	By-law No. A.-8219-80 - A by-law to authorize and approve a Section 30 Agreement of Purchase and Sale between The Corporation of the City of London and A Team London Inc., for the acquisition of the property located at 220 Wellington Road, in the City of London, for the Wellington Gateway Project, and to authorize the Mayor and the City Clerk to execute the Agreement. (6.1/3/CSC)
Bill No. 123	By-law No. A.-8220-81 - A by-law to appoint Scott Mathers as Deputy City Manager, Planning and Economic Development and repeal By-law No. A.-8104-155 being "A by-law to appoint George Kotsifas as Deputy City Manager, Planning and Economic Development." (6.3/3/CSC)

**14. Adjournment**

Motion made by: S. Lewis  
 Seconded by: S. Turner

That the meeting BE ADJOURNED.

**Motion Passed**

The meeting adjourned at 6:53 PM.

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Ed Holder, Mayor

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Michael Schulthess, City Clerk

## **Appendix “C”**

**AGREEMENT**, made pursuant to Section 30 of the *Expropriations Act*, R.S.O., 1990, c. E. 26

BETWEEN:

**A TEAM LONDON INC.**

-and-

**THE CORPORATION OF THE CITY OF LONDON**

**WHEREAS** The Corporation of the City of London (“the City”) is to undertake work known as the Wellington Gateway Rapid Transit Project, which work will include road widening and improvements to Wellington Road in London (the “Project”);

**AND WHEREAS** A Team London Inc. (“the Owner”) is the registered owner of the lands known municipally as 220 Wellington Road South, London and legally described as Lot 39, Plan 467(4th); London, Ontario, being all of PIN 08358 – 0105 (LT) as more particularly described on the Parcel Register attached hereto as Schedule “A” (the “Subject Property”);

**AND WHEREAS** A Team London Inc. was formerly known as Century 21 First Canadian Corp. A Team Inc. prior to changing its corporate name in July 2021;

**AND WHEREAS** A Team London Inc. (“A Team”) is a business incorporated under the laws of the Province of Ontario;

**AND WHEREAS** the Subject Property is not currently subject to any lease agreement;

**AND WHEREAS** the Subject Property is not the Owner’s residence;

**AND WHEREAS** the City requires the Subject Property in fee simple to facilitate the Project;

**AND WHEREAS** the Owner is prepared to agree to the acquisition of the Subject Property in fee simple (the “Acquisition”) in order to avoid the necessity of a formal expropriation proceeding;

**NOW THEREFORE**, in consideration of payment of the sum of ONE DOLLAR (\$1.00) paid by each of the parties hereto to the other, the receipt and sufficiency of which is hereby acknowledged and for other good and valuable consideration and mutual covenants set out below, the parties agree as follows:

1. The parties agree and warrant that the above recitals are true.
2. Subject to paragraph 4, the Owner agrees to convey, and the City agrees to acquire the fee simple interest in the Subject Property free from all restrictions and encumbrances,
3. The closing date of this transaction shall be March 14, 2022 (“Closing Date”).
4. The Owner shall discharge any interest, lien or charge registered on title to the Subject Property on or before the Closing Date, save and except as may be permitted under this agreement which the City agrees to accept in writing following the completion of its title search.
5. The City agrees to pay to the Owner, on the Closing Date:
  - a) EIGHT HUNDRED THIRTY-FIVE THOUSAND dollars (\$835,000.00), in full and final compensation for the fair market value of the fee simple interest in the Subject Property (“Closing Payment”), and,
  - b) THREE HUNDRED FIVE THOUSAND DOLLARS (\$305 000.00) in full and final compensation for the Owner’s outstanding claims available under the *Expropriations Act*, including disturbance damages relating to the acquisition of the Subject Property (“Damages Payment”).

6. The City covenants and agrees with the Owner to pay the Closing Payment and the Damages Payment on the date and in the manner specified in this Agreement and to otherwise observe, perform and comply with the covenants, conditions, terms and provisions of this Agreement.
7. On the Closing Date, taxes if any, shall be adjusted and the City and the Owner agree to enter into a readjustment agreement providing for readjustment of any error or omissions in the statement of adjustment or any necessary changes in the statement of adjustments in respect of any item which was estimated for closing purposes. The parties agree that such readjustment shall take place as soon as reasonably practical after closing.
8. Provided that title to the Subject Property is good and free and clear from all encumbrances except as otherwise provided in paragraph 2 above, the City is not to call for the production of any title deeds, abstracts of title, proof or evidence to title or surveys for the Subject Property, other than those in the possession of the Owner and under their control. The City shall be allowed thirty (30) days, or such other time as the parties agree to in writing, after the acceptance of this Agreement to investigate the title to the Subject Property at its expense and within that time it shall furnish to the Owner in writing any valid objection to title which, if the Owner are unwilling or unable to remove, remedy or satisfy and which the City will not waive, this Agreement, notwithstanding any intervening acts or negotiations in respect of such objections, shall be null and void and neither the Owner nor the City shall have any further liability or obligation to the other, but for those obligations as set out in this Agreement, provided that the covenant that this Agreement shall continue to be without prejudice to any and all parties, shall continue and survive the termination of this Agreement in all other respects.
9. This offer is conditional upon the Owner and the City entering into a commercial lease to continue the existing use of the Subject Property, in a form of lease attached as Schedule "B". The Owner agrees not to sublet the property. VACANT POSSESSION SHALL BE GIVEN TO THE CITY ON JULY

30, 2022, OR SUCH EARLIER DATE AS THE PARTIES AGREE TO IN WRITING.

10. The Owner and the City acknowledge the Subject Property is being conveyed under this Agreement “as is” and this Agreement constitutes an entire Agreement between the Owner and the City and there are no representation, warranties, collateral agreement or conditions affecting this Agreement or the Subject Property other than as expressed herein in writing.
11. The Owner hereby grants the City, its agents and authorized representatives’ permission to have reasonable access to the Subject Property prior to the Closing Date, provided the City delivers notice in writing to the Owner three (3) days prior to entering upon the Subject Property, to conduct such tests (including soil, groundwater and environmental tests) surveys and inspections as it may reasonably require and to remove samples. The City agrees that such access and work shall not unreasonably interfere with the Owner’s use of the Subject Property and the City shall repair any damage caused thereby should the transactions agreed to herein fail to close. The City shall indemnify and save the Owner harmless from all claims, costs, expenses or damage of whatsoever kind that the Owner may incur or suffer directly or indirectly on account of such access and work.
12. The Owner agree to execute, on the request of the City, such authorizations addressed to all appropriate ministries and governmental offices, authorizing such ministries and offices to release to the City or to the City’s solicitor any and all information that may be on the record with respect to the Subject Property, to act as the Owner’s agent in relation thereto but not authorizing inspections of the Subject Property.
13. The Owner hereby waives any rights to notice as a Registered Owner under Sections 6, 7, 8, 9, 10 and 25 of the *Expropriations Act*.

14. The City and the Owner agree that payment of the Closing Payment shall constitute full and final compensation for the fair market value of the fee simple interest in the Subject Property.
15. The City and the Owner agree that payment of the Damages Payment shall constitute full and final compensation for and settlement of all claims for compensation related to the acquisition of the Subject Property to which the Owner would have been entitled had the Subject Property been expropriated, including but not limited to relocation costs, other compensation in respect of disturbance, compensation for business loss, compensation for injurious affection and all other compensation available under the *Expropriations Act*, except as otherwise set out herein.
16. The Owner shall execute and deliver to the City a Release in the form attached hereto as Schedule "C."
17. The City will, at closing, reimburse the Owner for their reasonable legal, appraisal and other costs incurred in accordance with Section 32(1) of the *Expropriations Act*.
18. The City will reimburse the Owner for any charges, levies, penalties or other fees incurred as a result of the acceleration or early termination of any mortgage or charge on the Subject Property.
19. All documentation required to complete this transaction shall be prepared by the City at its expense. If necessary for registration purposes, the City shall prepare, at its expense, a plan of survey for the Subject Property. A copy of said Plan, if prepared, shall be provided to the Owner free of charge.
20. The Owner warrants that it is and will be on the day of closing, a resident of Canada and shall supply adequate evidence thereof at or before closing.
21. All buildings on the Subject Property and all other things being purchased shall be and remain until completion at the risk of the Owner. Pending completion, the Owner shall hold all insurance policies, if any, and the proceeds thereof in

trust for the parties as their interests may appear and in the event of substantial damage, the City shall receive the proceeds of any insurance. No insurance shall be transferred on completion.

22. The City shall be credited towards the Closing Payment with the amount, if any, necessary for the City to pay to the Minister of National Revenue to satisfy the City's liability in respect of tax payable by the Owner under the non-resident provisions of the *Income Tax Act* by reason of the conveyance of the Subject Property. The City shall not claim such credit if the Owner delivers on completion of this transaction the prescribed certificate or a statutory declaration stating that the Owner is not then a non-resident of Canada.
23. This Agreement shall be effective to create an interest in the Subject Property only if the subdivision control provisions of the *Planning Act* are complied with.
24. The Owner further acknowledges and agrees that the City may register a Plan of Expropriation to clear title before the closing.
25. This agreement is to remain open for acceptance by the City up to and including February 18, 2022, or such earlier or other date as may be mutually agreed upon.
26. The compensation shall be paid on the date of closing, subject to such adjustment, if any.
27. On the date of closing, the Owner will convey to the City the Subject Property, free from liens, mortgages or other charges, by a good and sufficient Transfer/Deed.
28. The Transfer/Deed and Statement of Adjustments shall be prepared by the City Solicitor's office.
29. Time shall be in all respects of the essence, but time for doing and completing any matter provided herein may be extended or abridged by agreement in writing by the parties or their solicitor.

30. The Owner hereby directs the City to make any and all payments of compensation and/or costs to Thomson Mahoney Delorey LLP in trust or as otherwise directed in writing. The parties agree and acknowledge that this Agreement is sufficient direction on the payment of costs.
31. Service of any documents required to be served pursuant to this Agreement shall be made personally or by registered mail as follows:
- On the Owner to:                   A Team London Inc]
- Attention:
- With a copy to:                   Strong Nenniger Law PC  
D-309 Commissioners Road West  
London, ON N6J 1Y4
- Attention: Kelly Nenniger
- On the City to:                   City Clerk
- Attention: Michael Schulthess
- With a copy to:                   Director Realty Services
- Attention: Bill Warner
32. The City represents and warrants that it is duly registered for HST purposes and, if required to do so, the City shall remit the HST payable on the Acquisition to the relevant taxation authorities following completion of this transaction and file the prescribed form, and shall indemnify the Owner with respect to any H.S.T. payable.
33. The terms and the representations and warranties, if any, contained in this Agreement shall survive and not merge on Closing.
34. This Agreement shall be binding upon and shall enure to the benefit of the parties hereto, and each of their respective representatives, successors, heirs and assigns.



35. The parties to this Agreement agree that this Agreement is strictly confidential and deals with matters of a personal and commercially sensitive nature. Accordingly, this Agreement will not be disclosed to any person or entity other than for the purpose of proceeding with this Agreement, legal purposes, accounting and auditing purposes or reporting purposes by the City or as may otherwise be required by law.

36. This Agreement may be executed and delivered in any number of separate counterparts, each of which when executed and delivered is an original but all of which taken together constitutes one and the same instrument. Any party may deliver an executed copy of this Agreement by facsimile transmission.

**IN WITNESS WHEREOF** the parties have executed this Agreement as of the date indicated below.

A Team London Inc. hereby executes this Agreement this \_\_\_\_\_ day of February 2022.

**A Team London Inc**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:

I/We have the authority to bind the Corporation.

The Corporation of the City of London hereby executes this Agreement this \_\_\_\_\_ day of February 2022.

**THE CORPORATION OF THE CITY OF LONDON**

\_\_\_\_\_  
Name: Ed Holder  
Title: Mayor

---

Name: Michael Schulthess  
Title: Clerk

I/We have the authority to bind the corporation.

**Appendix "A" Confidential  
- Released in public**

#22012

January 31, 2022  
(Property Acquisition)

Chair and Members  
Corporate Services Committee

RE: Purchase of Land at 220 Wellington Road South  
Wellington Gateway Rapid Transit Project  
(Subledger LD210016)  
Capital Project RT1430-1B - Wellington Gateway - Land Rapid Transit  
A Team London Inc.

**Finance Supports Report on the Sources of Financing:**

Finance Supports confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Budget, and that, subject to the approval of the recommendation of the Deputy City Manager, Finance Supports, the detailed source of financing for this purchase is:

<b>Estimated Expenditures</b>	<b>Approved Budget</b>	<b>Committed To Date</b>	<b>This Submission</b>	<b>Balance for Future Work</b>
Land Purchase	18,032,900	9,363,550	1,224,119	7,445,231
<b>Total Expenditures</b>	<b>\$18,032,900</b>	<b>\$9,363,550</b>	<b>\$1,224,119</b>	<b>\$7,445,231</b>

**Sources of Financing**

Capital Levy	1,896,342	984,672	128,729	782,941
Drawdown from City Services - Roads Reserve Fund (Development Charges) (Note 1)	16,136,558	8,378,878	1,095,390	6,662,290
<b>Total Financing</b>	<b>\$18,032,900</b>	<b>\$9,363,550</b>	<b>\$1,224,119</b>	<b>\$7,445,231</b>

**Financial Note:**

Purchase Cost	\$835,000
Add: Legal Fees etc.	355,000
Add: Land Transfer Tax	13,175
Add: HST @13%	154,700
Less: HST Rebate	<u>-133,756</u>
Total Purchase Cost	\$1,224,119

**Note 1:** Development charges have been utilized in accordance with the underlying legislation and the approved 2019 Development Charges Background Study and the 2021 Development Charges Background Study Update.



Jason Davies

Manager of Financial Planning & Policy

HB

## Report to the Council of The Corporation of the City of London

**To:** The Council of The Corporation of the City of London

**From:** Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager,  
Environment and Infrastructure

**Subject:** Expropriation of Lands  
Dingman Drive Improvement Project

**Date:** March 22, 2022

## Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, with the concurrence of the Director, Transportation and Mobility, on the advice of the Director, Realty Services, the following actions be taken with respect to the expropriation of land as may be required for the project known as the Dingman Drive improvements project:

- a) the Council of The Corporation of the City of London as Approving Authority pursuant to the *Expropriations Act, R.S.O. 1990, c. E.26*, as amended, **HEREBY APPROVES** the proposed expropriation of land, as described in Schedule "A" attached hereto, in the City of London, County of Middlesex, it being noted that the reasons for making this decision are as follows:
  - i) the subject lands are required by The Corporation of the City of London for the Dingman Drive improvements project;
  - ii) the design of the project will address the current and future transportation demands along the corridor; and,
  - iii) the design is in accordance with the Municipal Class Environmental Assessment Study recommendations for the Dingman Drive improvements project approved by Municipal Council at the meeting held on May 21, 2019; and
- b) subject to the approval of a) above, a certificate of approval **BE ISSUED** by the City Clerk on behalf of the Approving Authority in the prescribed form.

It being noted that a single request for a Hearing of Necessity was received but was withdrawn in February 2022.

## Executive Summary

The purpose of this report is to seek Municipal Council approval for the expropriation of lands required by The Corporation of the City of London for the Dingman Drive improvements project. There are two phases, the first phase includes improvements to Dingman Drive between Wellington Road and Highway 401 and the second phase includes a roundabout at Dingman Drive and White Oak Road. The first phase only is the subject of this report.

Eight (8) property requirements have been identified to accommodate the design for improvements at this location associated with the first phase. Negotiations with all property owners has been ongoing since Fall 2020 and there are two properties outstanding. Realty Services continues to negotiate with the outstanding property owners in parallel with the Council approval to proceed with the expropriation process in order to meet the project construction timelines.

In order to meet planned construction timelines for 2023, it is necessary to advance the utility relocation contracts in the Summer of 2022. The project timelines are being coordinated with planned development in the area. As legal possession of all property requirements will be needed to award the utility and construction contracts, the expropriation of all outstanding property is necessary to be advanced.

## Linkage to the Corporate Strategic Plan

The following report supports the Strategic Plan through the strategic focus area of Building a Sustainable City by building new transportation infrastructure as London grows. The improvements to the Corridor will enhance safe and convenient mobility choices for transit, automobiles, pedestrians and cyclists.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

Civic Works Committee – February 5, 2019 – Environmental Assessment Appointment of Consulting Engineer

Strategic Priorities and Policy Committee – May 21, 2019 – Approval of the 2019 Development Charges By-Law and DC Background Study

Civic Works Committee – June 29, 2020 – Environmental Study Report

Civic Works Committee – March 2, 2021 - Dingman Drive Improvements Appointment of Consulting Engineer - Detailed Design & Tendering

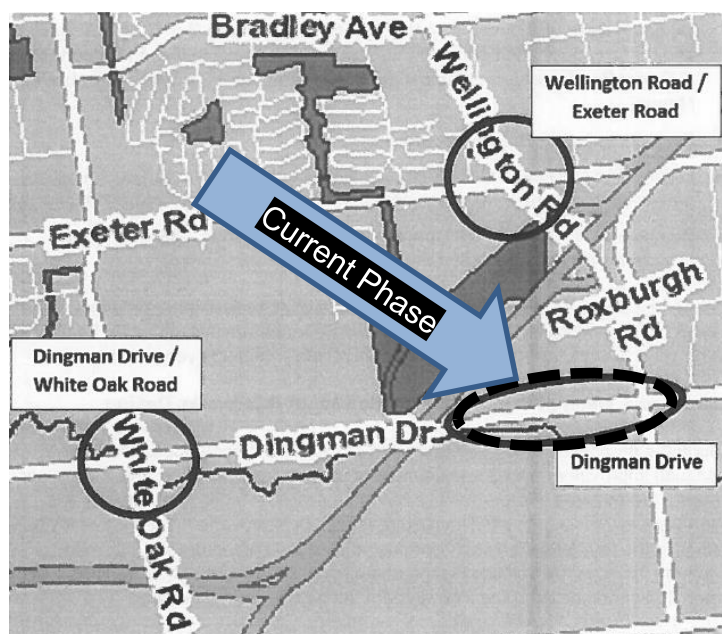
Corporate Services Committee – June 21, 2021 - Expropriation of Land the Dingman Drive Improvements Project

### 2.0 Discussion and Considerations

#### 2.1 Background

The subject property is required to support the Dingman Drive improvements project.

The project limits are from Wellington Road to Highway 401 and the intersection of Dingman Drive and White Oak Road. See project limits map below. The current Phase includes Dingman Drive from Wellington Road through to the Highway 401 overpass.



Due to the traffic volumes and planned developments in the area, the Dingman Drive improvements were identified as a priority as part of the 2019 Development Charges Background Study.

### **Anticipated Construction Timeline**

Property requirements are to be secured for 2023 road construction and to facilitate utility relocations in 2022. The project will commence with utility relocations with major road construction to follow thereafter.

Location Maps are shown in Appendix A. Legal descriptions of the properties are shown in Schedule A.

## **Conclusion**

The Dingman Drive improvements project was identified in the 2019 Transportation Development Charges Background Study, the timing of construction has been determined in coordination with planned development in the area.

Construction of the first phase of this project is predominantly planned to take place in 2023 with commencement of utility relocations required in 2022 to facilitate the improvements. The project has received approval as part of the Dingman Drive Improvements Project Class EA which identified the required property acquisitions.

Realty Services continues to negotiate with the outstanding property owners in parallel with the Council approval to proceed with the expropriation process in order to meet the project construction timelines.

Impacted Property Owner's property compensation is protected through the expropriation legislation and Council Property Acquisition policy. If negotiated property compensation settlements can not be achieved on an amicable basis, the compensation may be arbitrated through the Ontario Land Tribunal (OLT).

**Prepared by:** Bryan Baar, Manager II, Realty Services

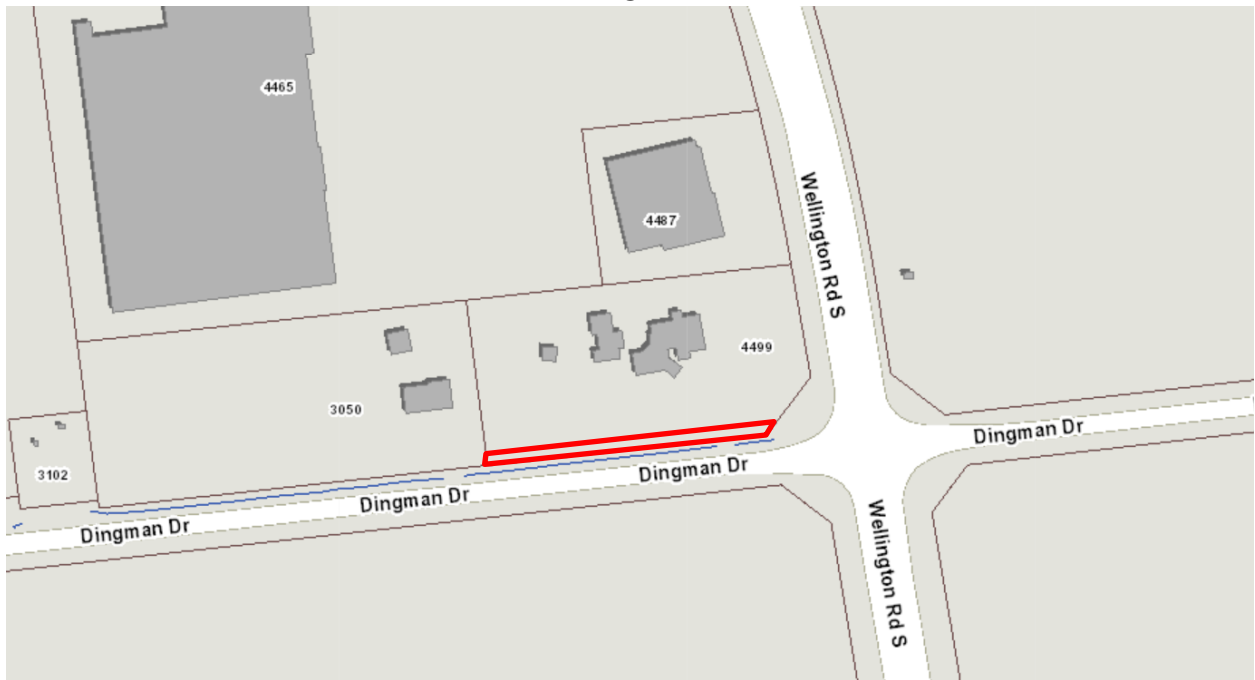
**Submitted by:** Bill Warner, AACI, Director, Realty Services

**Concurred by:** Doug MacRae, P. Eng., Director, Transportation and Mobility

**Recommended by:** Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager, Environment and Infrastructure

**Appendix A Location Maps**

**PARCEL 1**



**PARCEL 2**



## **Schedule “A” Continued**

Parcel 1: Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)

Parcel 2: Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT)



## Report to the Council of The Corporation of the City of London

**To:** The Council of The Corporation of the City of London

**From:** Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager,  
Environment and Infrastructure

**Subject:** Expropriation of Lands  
Dingman Drive Improvement Project

**Date:** March 22, 2022

## Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, with the concurrence of the Director, Transportation and Mobility, on the advice of the Director, Realty Services, with respect to the expropriation of land as may be required for the project known as the Dingman Drive improvements project, the following actions **BE TAKEN**:

- a) the proposed bylaw attached as Appendix A being “A by-law to expropriate lands in the City of London, in the County of Middlesex, for the Dingman Drive improvements project” **BE INTRODUCED** at the Municipal Council meeting to be held on March 22, 2022;
- b) the Civic Administration **BE DIRECTED** to take all necessary steps to prepare a plan or plans showing the Expropriated Lands and to register such plan or plans in the appropriate registry or land titles office, pursuant to the *Expropriations Act, R.S.O. 1990, c. E.26*, within three (3) months of the Approving Authority granting approval of the said expropriation;
- c) the Mayor and City Clerk **BE AUTHORIZED** to sign on behalf of the Expropriating Authority, the plan or plans as signed by an Ontario Land Surveyor showing the Expropriated Lands; and
- d) the City Clerk **BE AUTHORIZED AND DIRECTED** to execute and serve the notices of expropriation required by the *Expropriations Act, R.S.O. 1990, c. E.26* and such notices of possession that may be required to obtain possession of the Expropriated Lands.

## Executive Summary

The purpose of this report is to seek Municipal Council direction and approval of a By-law to expropriate lands required by The Corporation of the City of London for the Dingman Drive improvements project. There are two phases, the first phase includes improvements to Dingman Drive between Wellington Road and Highway 401 and the second phase includes a roundabout at Dingman Drive and White Oak Road. The first phase only is the subject of this report.

Eight (8) property requirements have been identified to accommodate the design for improvements at this location associated with the first phase.

Negotiations with all property owners has been ongoing since the Fall 2020 and there are two properties outstanding. Realty Services continues to negotiate with the outstanding property owners in parallel with the Council approval to proceed with the expropriation process in order to meet the project construction timelines.

In order to meet planned construction timelines for 2023, it is necessary to advance the utility relocation contracts in the Summer 2022. The project timelines are being

coordinated with planned development in the area. As legal possession of all property requirements will be needed to award the utility and construction contracts, the expropriation of all outstanding property is necessary to be advanced.

## Linkage to the Corporate Strategic Plan

The following report supports the Strategic Plan through the strategic focus area of Building a Sustainable City by building new transportation infrastructure as London grows. The improvements to the Corridor will enhance safe and convenient mobility choices for transit, automobiles, pedestrians and cyclists.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

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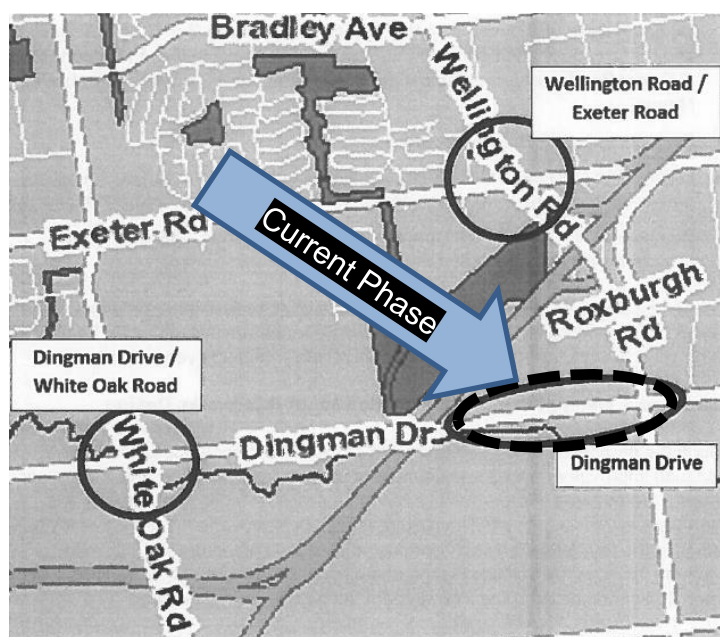
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### 2.0 Discussion and Considerations

#### 2.1 Background

The subject property is required to support the Dingman Drive improvements project.

The project limits are from Wellington Road to Highway 401 and the intersection of Dingman Drive and White Oak Road. See project limits map below. The current Phase includes Dingman Drive from Wellington Road through to the Highway 401 overpass.



Due to the traffic volumes and planned developments in the area, the Dingman Drive improvements were identified as a priority as part of the 2019 Development Charges Background Study.

### **Anticipated Construction Timeline**

Property requirements are to be secured for 2023 road construction and to facilitate utility relocations in 2022. The project will commence with utility relocations with major road construction to follow thereafter.

Location maps are attached for the Committee's information. Legal descriptions of the properties are included in Schedule A.

## **Conclusion**

The Dingman Drive improvements project was identified in the 2019 Transportation Development Charges Background Study and the timing of construction has been determined in coordination with planned development in the area.

Construction of the first phase of this project is predominantly planned to take place in 2023 with commencement of utility relocations required in 2022 to facilitate the improvements. The project has received approval as part of the Dingman Drive improvements project Class EA which identified the required property acquisitions.

Realty Services continues to negotiate with the outstanding property owners in parallel with the Council approval to proceed with the expropriation process in order to meet the project construction timelines.

Impacted property owner's compensation is protected through the expropriation legislation and Council Property Acquisition Policy. If negotiated property compensation settlements cannot be achieved on an amicable basis, the compensation may be arbitrated through the Ontario Land Tribunal (OLT).

**Prepared by:** Bryan Baar, Manager II, Realty Services

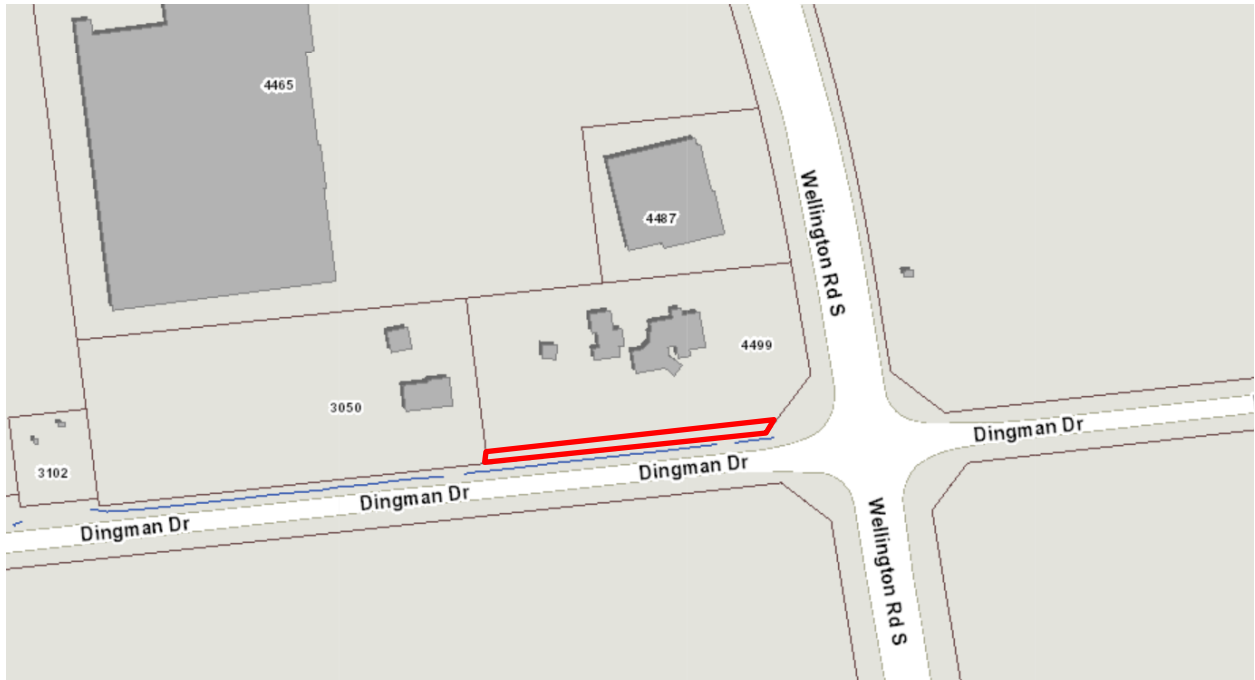
**Submitted by:** Bill Warner, AACI, Director, Realty Services

**Concurred by:** Doug MacRae, P. Eng., Director, Transportation and Mobility

**Recommended by:** Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager, Environment and Infrastructure

**Location Maps**

**PARCEL 1**



**PARCEL 2**



## **Schedule “A”**

Parcel 1: Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)

Parcel 2: Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT)

**APPENDIX A**

Bill No.

By-law No. L.S.P.

A by-law to expropriate lands in the City of London, in the County of Middlesex, for the Dingman Drive improvements project.

WHEREAS the Municipal Council of The Corporation of the City of London, as Approving Authority, pursuant to the *Expropriations Act, R.S.O. 1990, c. E.26*, as amended, at its meeting held on March 22, 2022, approved the expropriation of the lands and premises hereinafter described in attached Schedule "A" of this by-law:

AND WHEREAS the said Approving Authority has directed that its Certificate of Approval be issued in the prescribed form;

AND WHEREAS The Corporation of the City of London, as Expropriating Authority, at its meeting held on March 22, 2022, accepted the recommendation of Approving Authority;

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of London, as follows:

1. The lands described in attached Schedule "A" of this bylaw be, and the same, are hereby expropriated pursuant to the *Expropriations Act, R.S.O. 1990, c. E. 26*, and the *Municipal Act, 2001*, as amended.
2. The appropriate municipal officials are authorized and directed to take all proper and necessary steps and proceedings including the employment of valuers, to settle by arbitration or otherwise, the amount of compensation to be paid in respect of the expropriation of the said lands, providing that the amount of compensation shall not be reached by agreement unless adopted and approved by the Municipal Council of The Corporation of the City of London.
3. The appropriate municipal officials are authorized and directed to prepare a plan or plans, as necessary, showing the lands to be expropriated for registration in the appropriate Registry of Land Titles Office, and the Mayor and the Clerk are authorized and directed to sign the plan of expropriation, all pursuant to the *Expropriations Act*.
4. The appropriate municipal officials are authorized and directed to execute and serve the Notice of Expropriation and the Notice of Possession pursuant to the *Expropriations Act*.
5. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First reading –  
Second reading –  
Third reading –

**Schedule "A"**

**To By-law L.S.P.-**

**DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR THE DINGMAN DRIVE  
IMPROVEMENT PROJECT**

The following lands are required in fee simple:

Parcel 1: Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)

Parcel 2: Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT)

Mary Jane Bauer  
6883 James St

March 7, 2022

City of London  
Planning Division  
P.O. Box 5035,  
London, ON  
N5A 4L9  
Via email: [planning@london.ca](mailto:planning@london.ca)

To Whom it may Concern:

RE: Proposed development of 6756 James St., (Lambeth) London.

I wish to bring to your attention my concerns regarding the proposal before you for the development of this property and hope for thoughtful consideration to my concerns and productive solutions.

A previous Zoom meeting held by the Developer representative was very much appreciated, however, answers to questions were not addressed. At that time, I was hopeful that notations were being made of the concerns expressed by my neighbours and myself and that some follow up communication would result. I had offered to form an advisory committee to assist the developer in understanding our concerns and having a productive negotiation toward a solution.

Unfortunately, no communication by the Developer or the City has been received and I am concerned that we have made no progress to a resolution to our differences in how this property should be developed.

Therefore, I can only bring forth my understanding at this time based on limited provision of information. I seek clarification, comprehension of issues and resolution.

Issues that I perceive from my perspective and not exhaustive or representative of all neighbours.

<b>Issue</b>	<b>My conclusion</b>
At the community meeting, I asked if there had been a study of demographics of the Lambeth community and a Needs Analysis identifying and providing a Gap Analysis of residential needs.	The response was silence.  I have to conclude that no, there was not any analyses completed and this plan is based on Developer need to realize as large of a return on investment as the land can provide. No consideration was made to the community, the impact or the need.  <b>Recommendation:</b> Complete a demographic research survey and provide a Needs and Gap analysis to confirm the best use of this property - for <u>the community</u> .
The proposal is for 21 units, three bedroom, one driveway, one garage	This implies that the expected occupants will be at least one adult and two children.



	<p>It is common knowledge that the adjacent Lambeth Public School is beyond capacity. Recent announcements from TBDSB has indicated that a new school is now in planning and will be built in the future – date TBD. The assumption is that until the new school is built, LPS will be required to accommodate any children living on this property.</p> <p>Calculating with the assumption that each unit will have two children of school age, there will be 42 children needing education. Again, based on assumption, at the first owner time, the vast majority of the children will be public school age or younger.</p> <p>Q – where will these 42 children play in this complex? The designated common land area is insufficient for multi-use which includes children’s play equipment.</p> <p>Q – is TBDSB prepared to have children playing on their property on non-school days?</p> <p>As the children grow into young adults, the current persona of a Lambeth as a bedroom community with limited bus access.</p> <p>Q - Is the city prepared to increase bus service to promote more usage as these children, as well as the surrounding development residents, make use of public transit?</p> <p>Current statistics on single parent families is 19.2%. Therefore, the assumption is that 80.8% of the units will have two adults. As mentioned previously, Lambeth as a bedroom community has historically not had transportation and is reliant on each household to travel into London using their own vehicles.</p> <p>Q- With the need of two vehicles for two working parents or parents who need transport to deliver children to and from activities, each unit will be maxed out for parking with one vehicle in the garage and one on the driveway. As the children grow and require their own vehicle, where will these vehicles be parked as the property is limited to visitor parking?</p>
--	--

	<p><b>Recommendation:</b> decrease the number of units <u>by half</u> to permit larger driveways, larger laneway and more land for common usage.</p> <p>It is my assertion that upon a demographic analysis, it will be determined that first time home owners and Seniors wishing to downsize, but stay independent, will be identified as the “users” of this development.</p> <p><b>Recommendation:</b> design the property to be welcoming to young new owners or seniors who would only have need for a 2 bedroom unit. Make the units one floor with a basement. Provide a two car garage with two parking spaces in the driveway.</p>
<p>The property will have one central laneway with visitor parking mid-way and at the end adjacent to the neighbour to the north.</p>	<p>The property will be long and narrow and a narrow central laneway will be required to provide parking in driveways.</p> <p>Q – Has the City advised and consulted with their contractor, on the backing requirement and legal ramifications of backing from the end of the laneway to visitor parking – and are they aware that upwards of 42 to children could be hazards? This will involve garbage and recycling trucks. Should the city move to food waste, a third truck may be required entering this complex.</p> <p>Q – Should the waste removal contractor refuse to enter a narrow lane for legal and safety reasons, where will garbage pails and recycling pails that the residents will be required to wheel to a designated location be? 18 families generate a lot of garbage. Who will be responsible for ensuring cleanliness and a deterrent of rodents and animals?</p> <p>We live in the snow belt area of southern Ontario.</p> <p>Q - Who will be responsible for clearing snow? Will the laneway be recognized by the City?</p> <p>Q – Where will the snow be moved to? Will a visitor parking area be used, thus losing parking spaces during the winter? Will the snow be</p>

	<p>trucked professionally away? Again, lack of land space to manoeuvre large trucks will be a safety concern for the residents and a liability for the contractor.</p> <p>Q – With the normal land drainage being affected, how will piled melting snow from removal be directed to ensure that surrounding properties do not become low land for drainage?</p>
<p>Currently James St residents are using a septic system.</p>	<p>Q- With the proposed 21 units, how will sewage be dealt with? There is insufficient land to run tileage.</p> <p>Q –Has Thames Valley environmental been consulted if the plan is to install a septic system?</p> <p>Q- If the plan is to wait until sanitary sewers are installed on James, is the Developer planning to sit on this property and for how many years?</p> <p>Q- If neighbouring owners do not connect and the cost of sewer installation increases, is the Developer prepared to pay the cost of connecting the 21 units?</p>
<p>At the Zoom community information meeting, it was stated that a high wood fence would be erected around the perimeter of the property.</p>	<p>I find this disturbing as only jails and scrap yards have high fences to keep probing eyes out.</p> <p>This is insulting to the proposed residents to be placed in a “compound” that locks them in and treats them as undesirables.</p> <p>It is my opinion that the caging of this compound will lead to a small community within a community and possible ramifications could be unsettling as it will imply “them” the neighbour outsiders and “us” the insiders. This is not productive for our community.</p> <p><b>Recommendation:</b> with the decrease in units per land, more open space and landscaping will assist in the integration of this small community into the James St. community.</p>

I will once again reiterate my offer to assist in creating a James St. advisory committee that would work with the Developer and City to create a project plan that is entirely beneficial to the residents of James

St., Lambeth as a very special and historical community and a project that can become a show piece of pride for the Developer and City to point to as they enter other communities with development projects.

At this point in time, I support any resistance to the proposed usage of the land and I promote a collaborative approach between the Developer and residents.

Regards,  
Mary Jane Bauer

C: Ed Holder [mayor@london.ca](mailto:mayor@london.ca)  
Anna Hopkins [ahopkins@london.ca](mailto:ahopkins@london.ca)  
Melanie Vivian [mvivian@london.ca](mailto:mvivian@london.ca)

**From:** JIM/BETTY POSTHUMUS

**Sent:** Tuesday, March 8, 2022 10:09 PM

**To:** Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>

**Cc:** City of London, Mayor <[mayor@london.ca](mailto:mayor@london.ca)>; Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>

**Subject:** [EXTERNAL] Re -Zoning of 6756 James St. Lambeth

To all Concerned

To state that the neighborhood was beyond disappointed in council's decision to approve the re-zoning of said property would be a huge understatement. We put forth several ideas for some changes that would have worked and brought us all to some middle ground. But I really felt that the re-zoning had already been approved before the meeting ever took place. We can't believe that our proposals were not even entertained. The crosswalk at Campbell will not solve anything as far as the school is concerned as the teachers will not walk that far and parents will not let their kids walk that far. Also the school needed some of that land. I realize that nothing will change now so all I ask is that you let me know when the shovels go into the ground so I can put my house up for sale and be out of here before that happens as my property borders the said property to the west We have lived here for 42 years and it saddens me to see these changes put through. I know our properties will lose value, but I am sickened by your decision to push this through that I cannot stay.

Jim Posthumus  
6770 James St.  
Lambeth On.

**From:** JIM/BETTY POSTHUMUS

**Sent:** Sunday, March 13, 2022 3:10 PM

**To:** Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>; City of London, Mayor <[mayor@london.ca](mailto:mayor@london.ca)>

**Cc:** Planning <[Planning@london.ca](mailto:Planning@london.ca)>; Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>; Van Meerbergen, Paul <[pvanmeerbergen@london.ca](mailto:pvanmeerbergen@london.ca)>; Turner, Stephen <[sturner@london.ca](mailto:sturner@london.ca)>; Pelozo, Elizabeth <[epeloz@london.ca](mailto:epeloz@london.ca)>; Fyfe-Millar, John <[jfmillar@london.ca](mailto:jfmillar@london.ca)>; Helmer, Jesse <[jhelmer@london.ca](mailto:jhelmer@london.ca)>; Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>; Hamou, Mariam <[mhamou@london.ca](mailto:mhamou@london.ca)>; Morgan, Josh <[joshmorgan@london.ca](mailto:joshmorgan@london.ca)>; Lehman, Steve <[slehman@london.ca](mailto:slehman@london.ca)>; van Holst, Michael <[mvanholst@london.ca](mailto:mvanholst@london.ca)>; Lewis, Shawn <[slewis@london.ca](mailto:slewis@london.ca)>; Salih, Mo Mohamed <[msalih@london.ca](mailto:msalih@london.ca)>

**Subject:** [EXTERNAL] Re-Zoning of 6756 James St. London

London City Council

Please add my list of concerns to the meeting agenda for the Mar. 22nd council meeting concerning the re-zoning of 6756 James St.

I live at 6770 James St. right beside the property in discussion and have many concerns about the approval of re-zoning of this property. I will just mention a few as there is not enough time or space to list them all.

My biggest concern is for the safety of the school children. If there are 22 townhomes built that is a possibility of 44 more vehicles added to an already congested street. That is a recipe for disaster for the 200 plus kids that walk James St. to and from school twice a day with almost daily close calls. This is all about someone's profit and is it worth one child's life.

At the last meeting it seemed like everyone thought that the answer to all of our concerns was a cross walk at Campbell and James St. It was suggested that teachers park at the baseball parking lot and walk. This is not a viable solution because of distance to the school. It was also suggested that parents could drop their kids off there. Not a chance that the parents would walk their kids all that distance and then have to walk all of that way back to their vehicles. If the entrance to the townhouses is off James St. the potential of a child getting hit by a car is magnified by a hundred fold. Residents on the street already have a difficult time exiting or entering their driveways because of cars parked on the street before and after school hours.

Moving the entrance from James to Campbell St. (north) would help alleviate some of the traffic problems.

Consider only 2 townhomes instead of the 3 proposed at present fronting onto James St.

Consider changing the plan to one floor retirement homes which are so needed in this area and as Lambeth does have an aging population that also want to continue living in the community.

Consider having some of the property donated to the school or the school board purchasing a portion of the land for student drop off and playground expansion.

Lambeth is low density housing and changing it to high density is so wrong just because you can.

This will change the entire feel and look of the community.

Light and noise pollution will be a problem.

We were concerned about flooding issues, drainage and sewer problems and we were told studies had been completed and all was good, but we would like to see any and all reports on these studies.

I feel like in the last two meetings our concerns were listened to, but were not heard at all. One counsellor stated that there were 500 students at the school when in fact there are 800 plus. Another gal had to google to see where the entrances were. This tells me no one has done their homework or even visited the area to make an informed decision on this re-zoning. This screams of just pushing everything through.

Please put yourselves in our shoes or neighborhood and I am sure it would not be approved as presently proposed.

Please consider our neighborhood and it's residents before rubber stamping this project.

Sincerely  
Jim Posthumus  
6770 James St.  
Lambeth

March 14 2022

City of London

**Attention: Your Worship Mayor Holder and Council Members**

**Attention: Planning Department**

300 Dufferin Ave,

P.O. Box 5035

London, ON N6A 4L9

**RE: 6756 James St. London**

Dear City Council,

We are writing again to reiterate our ***strong objection*** as stated in our letter sent in September 2021 regarding the proposed development plan #Z-940-1 at 6756 James St (Roll 080000716000000).

We are asking that you please listen to the people who will be most affected by this change and are feeling very disappointed knowing that you have not taken our concerns seriously. Just show up when school is letting out and you will see why we have such strong concerns!

WE IMPLORE YOU TO ***PLEASE*** LISTEN TO THE NEIGHBOURING PROPERTY OWNERS!

I have copied my previous letter here to remind you of our concerns:

We are writing today to strongly oppose the proposed development plan #Z-940-1 at 6756 James St (Roll 080000716000000).

Our street currently has a high traffic volume, especially during the school year, and we feel this would increase it several times over. With the new subdivision on Campbell St N we have already noticed the higher traffic flow.

Lambeth School (formerly A.E. Duffield School) was renovated several years ago to accommodate the students of the closing M.B. McEachren School. Since the renovations, it appears the school has become very overcrowded even with several portable classrooms. If this is to be a family complex, where are these children going to attend school? With the amount of school buses transporting students now, it is hazardous but adding more children will make this even more dangerous for the students. More students, more traffic, more accidents.

The proposal of a variance to accommodate a 1.8 m rear yard is ridiculous! Can you imagine raising a single child, let alone several children in such a restricted area? Even if the complex is designated for seniors, I cannot imagine having this minimal area at the back of my house. To even consider this proposal is ludicrous and definitely not in the best interest of the neighbouring properties or the community.

We are one of the last remaining original property owners on James St. having lived here for nearly 70 years. We have watched the village grow and prosper over those years but now we are asking you to please, stop this new growth.

Thank you for considering this request.

Sincerely,

*Ray D Refoir*

Ray D Refoir  
6783 James St  
London, ON

*Shirley D Refoir*

Shirley D Refoir



**From:** Ferris Dean

**Sent:** Tuesday, March 15, 2022 11:30 AM

**To:** City of London, Mayor <mayor@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Vivian, Melanie <mvivian@london.ca>; Lysynski, Heather <hlysynsk@London.ca>; Planning <Planning@london.ca>; Council Agenda <councilagenda@london.ca>

**Subject:** [EXTERNAL] FW: Proposed townhouse development on James St. (Lambeth) - waiting for consent

To whom it may concern:

I am forwarding the attached email I wrote to Councilor Hopkins on Dec 10th as it pertains to the proposed James St. townhouse development. As I did not receive any response or acknowledgment to my comments, I am copying this group today in the hope that it will be entered into council notes for deliberations.

As a community, I know that Lambeth is aware and is supportive of the growth and changes our city must undertake going forward. My hope is that council will see that the safety and planning concerns the community has for this development are real, and that a better resolution can be found.

Kind regards,  
Ferris Dean, CPA

----- Original message -----

From: Ferris Dean

Date: 2021-12-10 1:51 p.m. (GMT-05:00)

To: [ahopkins@london.ca](mailto:ahopkins@london.ca)

Subject: Proposed townhouse development on James St. (Lambeth)

Good afternoon Mrs. Hopkins:

I am writing today as I am greatly concerned about the effect of the proposed townhouse development on James St. in between Routledge and Campbell if it is allowed to progress.

To tell you about myself, I am a lifelong Southwest London resident - raised in Westmount and lived in Talbot Village, Andover Trails, and most recently, built a home in the Heathwoods subdivision where my wife and I moved with our toddler daughter in November 2020.

When my wife and I decided to build in Heathwoods, there were many advantages. One of the greatest is the proximity and ease of access to Lambeth Public School. Door to door is 500m, James St. has traffic calming bumps and a lower speed limit. It's a great assurance as a parent to know that my daughter can walk home from school every day in minutes down safe streets in a safe neighbourhood with strong control measures in place.

This proposed townhouse development shows a severe lack of planning on the part of the city if allowed to proceed. The entrance to the development would be in the middle of a section of street that is currently used daily as street parking by parents for pick up and drop off. Students walk past the lot and would need to observe not only the pick up/drop off traffic, but also the residents entering/exiting the development. I would also like to emphasise - these are elementary age children.

By doing this, it would be tantamount to creating another 3 way intersection less than 20 metres from the ones that already exists at James and Campbell, the entrance to Lambeth PS, and the 4 way intersection at Routledge and James. Furthermore, the street parking at busy times also reduces the number of lanes to essentially 1 car width, especially in winter time. Adding resident traffic from the proposed development will place an even greater choke on this throughway.

When I tell you that families moving into Heathwoods and the other new subdivisions in this area see the proximity to the school as an advantage, I mean this in flashing neon lights. The school is rated as one of the best in the city, and families with young children are flocking here. Survey the residents who have recently moved to this area and you will see that the elementary school age population is going to explode in the coming years.

The safety concerns alone should be enough to warrant further review of this development proceeding but I have further points I wish to raise as well.

Another advantage of living in this part of Lambeth, whether in the older homes or the newly constructed, is the generous lot sizes. Homes are not cramped here. This new development has already received approval to reduce backyard space from a length of 6m to 1.8m. This, I can only imagine, was allowed in order to increase the number of units constructed. How does this fit with how the rest of the surrounding area has been planned? There mature lots on both sides, and new lots behind with ample space, and then somehow this development with no space at all is thrust in the middle.

See the Savoy development of townhouses just down Wharncliffe by the new firehall, or the Birchwood townhouses planned for just North of here down Cl. Talbot and the spaces in and around the developments allow for safe traffic flow and buildings that compliment the neighbourhood as a whole. I can't imagine how invaded the people on either side of this proposed James St. development will feel.

I apologise for the length of my email today, but I feel that if you have not already observed this area currently it is my duty as a resident to invite you to take a look for yourself. Please do it at a time when the school is letting out for the day as well.

I will also mention that as this neighbourhood grows, this space could be put to use for the school and community in a way that is safe - which the proposed development is not.

I will be forwarding my concerns to the planning department but I do hope that you will take my message to heart and get involved yourself. I know that I am not the only resident who has noticed the potential issues and I hope they will be addressed.

Kind regards,  
Ferris Dean

**From:** Jenn McNabb

**Sent:** Wednesday, March 16, 2022 8:42 AM

**To:** Council Agenda <councilagenda@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Lysynski, Heather <hlysynsk@London.ca>; Masse, Penny <pmasse@london.ca>; Vivian, Melanie <mvivian@london.ca>

**Subject:** [EXTERNAL] 6756 James Street

I am a Lambeth resident and wish to submit a statement to oppose the development of 6756 James St. I consent to this being submitted and made public.

I live in the area and am more than familiar with the water issues present here. I have had to do extensive work to waterproof my basement, exceeding \$100 grand. This is not unique to me, it is common in the area. When dropping my kids off, it is easy to see the standing water on this lot, especially towards the rear. Lambeth PS school grounds are frequently full of water/mud, resulting in 'tarmac' recess for the kids all too frequently. Building on this lot will only exasperate the water issues, make the issues worse for neighbours, and be a constant issue for the future owners of this development. While the developer is responsible for ensuring their development doesn't impact water on others properties, when this does occur, many homeowners do not have the legal or financial resources to pursue a remedy. It's David vs. Goliath.

I understand this was raised unsuccessfully in the Planning meeting. I would like to counter argue the point made by Planners regarding barrier free access. They approved this plan based on a subdivision that is years away from completion providing barrier free access out of the neighbourhood in the event of a flood. If the roads providing this access are not even created yet, and won't be for years, how can that be approved or allowed to qualify as access?

Furthermore, I did some research and found that this area is part of the Dingman Watershed. In fact, an article came out today stating building plans will have to be scaled back. (London Free Press - <https://lfpres.com/news/local-news/flood-plain-mapping-update-could-threaten-development-in-south-london>) If this area is located within a known watershed and floodplain, why is it being furthed developed when there is considerable research stating there will be future flooding issues and potential environmental impacts. This argument isn't just for this development, but can be applied to two others that are now at the planning stages in the area (Kilbourne Road and Colonel Talbot Rd across from Sunray).

I urge Council to do the right thing and reconsider this proposed development on the basis of watershed impacts amd flooding.

Thank you,  
Jen Smith

From: Jenn McNabb

Date: 2022-03-15 11:37 p.m. (GMT-05:00)

To: "Masse, Penny" <[pmasse@london.ca](mailto:pmasse@london.ca)>, [hlysynsk@london.ca](mailto:hlysynsk@london.ca), [ahopkins@london.ca](mailto:ahopkins@london.ca), [mvivian@london.ca](mailto:mvivian@london.ca), [councilagenda@london.ca](mailto:councilagenda@london.ca),

Subject: RE: 6756 James Street Planning Meeting

To whom it may concern,

I am a long time resident of Lambeth, and parent of two kids attending Lambeth PS. I spoke at the Planning Meeting about the safety concerns I have relating to this development. I wish to share these thoughts with Council, plus some additional items of concern I have learned since the meeting.

My kids are 4 and 6, in JK and grade 1 respectively. They attend before and after school care on Beattie, and are walked to and from the school daily by their adult care provider.

In the last 2.5 years, my kids and their provider have had too many close calls with the traffic issues in the area to name, and seen many more close calls. About 2 years ago, the City moved the stop signs from southbound Cambell Street to eastbound James Street, allowing speeding traffic on Cambell St to have a straight away and to take the left turn on to James way too quickly. This, coupled with the massive area being developed behind the school, and the construction vehicles that have come along with it, have made walking to school a potentially life threatening game of dodge the cars for Lambeth PS kids. Parents can teach their kids every safety rule possible for walking, but no amount of rules or mitigation will stop a speeding dump truck from jumping the curb.

The community has brought these concerns forward for two years. I have emails to and from our Councillor from October/November 2020 and September 2021 promising a cross over that is still non-existent, even though it was supposed to be installed this past fall.

Why is this relevant? Because adding these condos, and quite frankly, any more development behind or around the school, only adds to the safety issues for our kids. You are wanting to add yet another 22 households, even more construction traffic, etc, to an area that cannot handle it, which in turn adds to a safety issue that is being ignored repeatedly by the City. How can we trust that the City has the safety of our kids in mind, when they have done literally nothing to protect them? In the meeting the plan for construction vehicles was stated to be using James Street. How is this safe? Where will these construction vehicles fit?

It became obvious when asked by community members at the meeting that no one from the Planning Committee approving this has taken the time to visit the area, especially during school pick up and drop off times. Is due diligence and research, namely site visits, when approving plans not required?

In the Planning meeting, I noted that it seems as if the London Plan and Southwest Area Action Plan seem to be the holy grails, and development is approved on the basis of these plans even when there are numerous legitimate reasons why it should not. I took it upon myself to review these plans, and much to my dismay and disappointment, noted there is not much mention of safety. Furthermore, I find it appalling that construction in school zones is not mentioned. What recourse is there for citizens of London where these plans fail to ensure, or even consider their safety when legitimate issues are raised?

Putting my emotion and concern aside, in speaking with other area residents, I found additional issues related to the drawings and zoning. What has become apparent is that the concept drawing has major flaws that all of us in the community can clearly see but haven't had the tools or knowledge to articulate.

I would like to request that we see this as designated as a major alteration to our zoning laws, but more importantly, raise the issue that the concept drawing is just that. It is a concept that will have to be altered due to inconsistencies with the lot size and proposed development, therefore the City and its planners are being sold something that cannot be built. The garbage, the traffic and the parking are all major concerns, and the draft cannot accomplish what has been told to us at the public meetings.

The plan/drawing misses the width required and falsely depicts something that cannot be built as it is wider than the lot allows. This will therefore require new concepts and falsely conceptualizes what will be built.

In addition to dismissing our valid concerns relating to safety, garbage, snow and drainage, this is what has been frustrating for us. We knew it wouldn't fit by visualizing it in person by standing on the lot, but assumed that the plan took the building code and lot size into consideration. We have discovered otherwise, and have felt let down by our councilors. See widths below.

Back yard	6 meters
Home	9 meters
Driveway	11 meters
Road	20 meters
Driveway	11 meters
Home	9 meters
Back Yard	6 meters
Total	72 meters
Land width	46 meters

We are missing 26 meters to build this proposed development.

In addition, the feedback from the citizen planning committee (I forget the name, sorry) recommended the driveways of the 3 front units that lead on to James Street were moved to the back of the units. This has not been amended in the plan, likely because the lot is not big enough. As such, I feel the developer is not willing to listen, will not address any issues, and is being dishonest selling the City on something that is physically impossible on this lot.

I understand that we may not be able to stop a development from happening, however, our valid concerns should be addressed, and the developer should be required to provide honest and accurate renderings of the final product to be reviewed by the community, Planning Committee and council. What is the point of this whole process if the developer is not even required to provide accurate plans?

In summary, I strongly oppose this development as proposed and feel the concerns as outlined should be sufficient for Council to deny this planning proposal. I apologize for the long email but feel the content is important.

Thank you for your consideration. I consent to my email being shared and published.

Respectfully submitted,  
Jenn McNabb  
Lambeth Resident & concerned parent

Just an additional note for clarification related to the measurements: The developer indicated these townhomes would have garages, allowing for one vehicle, plus one vehicle in the driveway. If this is the case, the majority of the mainfloor of the townhome will be almost entirely garage. The measurements as provided are simply not possible, nor are the accurate as to what will be built.

Thank you,  
Jenn McNabb

**From:** Kamila Karpierz

**Sent:** Wednesday, March 16, 2022 8:00 AM

**To:** PEC <pec@london.ca>; City of London, Mayor <mayor@london.ca>; van Holst, Michael <mvanholst@london.ca>; slewis@london.ca; Salih, Mo Mohamed <msalih@london.ca>; Helmer, Jesse <jhelmer@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Hamou, Mariam <mhamou@london.ca>; Morgan, Josh <joshmorgan@london.ca>; Lehman, Steve <slehman@london.ca>; Peloza, Elizabeth <epeloza@london.ca>; Van Meerbergen, Paul <pvanmeerbergen@london.ca>; Turner, Stephen <sturner@london.ca>; Hillier, Steven <shillier@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Fyfe-Millar, John <jfmillar@london.ca>; Vivian, Melanie <mvivian@london.ca>; Lysynski, Heather <hlysynsk@London.ca>; Planning <Planning@london.ca>

**Subject:** [EXTERNAL] Re: File Z-9401- 6756 James Street

Good morning,

I am writing to you today to ask that my submission be included on the upcoming agenda in regards to the zoning amendment for 6756 James Street.

I have submitted previous letters to the city and am very disappointed in the level of responses received. The community has brought forth many major concerns and none are being considered because this development plans falls in line with the city of London's plan for expansion.

It seems as though the city councillors are not actually listening the community and instead are following their own agenda. The purpose of the community submitting their thoughts and concerns is for there to be a discussion around them and during the last planning meeting, everything was swept under the carpet and each councillor seemed happy to go ahead with the plan.

What was really disappointing was the fact that neither one councillor could answer questions about the number of entrances to the Lambeth Public School. It required for them to look it up on google maps to answer which tells me, no one has actually come to observe the neighbour hood of where this developer would be building. The school accounts for major traffic on James Street and the councillors said that it was a school issue, not a street issue. Many parents of the school have voiced their concern for this development affecting the drop off/pick up of their children and the councillor have answered by saying people are usually more aware of their surroundings of where they live. Parents have been asking for a crosswalk on James and Campbell and there is still to be one put in place. This will be another major road in their way, especially once the construction vehicles start coming through, and yet not one councillor has acknowledged that the children are at risk for their safety.

This property on 6756 James Street is definitely not large enough for what the developer has proposed. From my understanding, there are certain requirements for road width, backyard length, driveway length as well as house length. The measurements do not add up to the width of the property so I am unsure how this is going to get approved? Everyone in the community has realized that development will take place on this property and no one is against that. But the level of development that is proposed does not fit with the surrounding areas. Making the front 3 houses match the street is great, but surrounding houses are single dwelling homes and therefore The developer should build something in line with what the surrounding houses look like. The councillors response to this that the community needs to accept change and nobody likes changes. Again, the community is not being listened to. We do

want change, but we want the change to make sense. This does not make sense. A petition with over 300 signatures was submitted and many letters were received. Why are these concerns not being addressed? What will it take for the community to be taken seriously?

Major concerns have been brought forth in regards to the storm water management. There is yet to be a clear plan as to how the developer plans to address this. The surrounding properties are already dealing with issues and this will only make the problem worse. Who is going to monitor this once people are living in these households? Will it be up to each individual to report issues? According to the developer, they will be monitoring the amount of snow accumulation. Again, who will be monitoring this situation? It seems like a problem they are ignoring and leaving up to the home owners to deal with.

I understand the property currently is not connected to any municipal services. I'm correlation with the city of London, developers are to utilize properties that already have these services. Once again, it seems as though the developers have some inside connections with the city to be able to get away with this, as many residents on James Street have been refused to access this service. Why all of a sudden are we now being allowed to access these services? Councillors made a point that this is one of the benefits to the residents of James Street. How will it be if any benefit to us? It is extremely costly to connect to the wastewater systems and will later be charged monthly fees for the connection. Is this a service that we can connect to under the developers costs? Since it is being planned for directly behind my property, it seems as though it could be something that could be delivered to us as compensation.

I would also like to comment on the fence that is being proposed to being built around this development. How will it affect the current sunlight I receive in my backyard? Will it have any impact on my gardens?

I would also like to know about the project timeline for this development. When is the proposed date for the beginning of construction and end of the project? I would like reassurance that I will not have a mess and debris on my property from this construction. Even if that involves putting up a barrier of some sort during the construction process. I have a one year old child who play in the backyard regularly.

Thank you again for taking the time to go through these comments and I imagine they are taken into consideration. Please take into consideration what the existing community looks like and build onto that. There are much better locations for such infill projects and unfortunately, this is not the location.

Regards,  
Kamila Karpierz  
6742 James Street



Mary Jane Bauer  
6883 James St

March 7, 2022

**March 16, 2022 Addendum**

City of London  
Planning Division  
P.O. Box 5035,  
London, ON  
N5A 4L9  
Via email: [planning@london.ca](mailto:planning@london.ca)

To Whom it may Concern:

RE: Proposed development of 6756 James St., (Lambeth) London.

I wish to bring to your attention my concerns regarding the proposal before you for the development of this property and hope for thoughtful consideration to my concerns and productive solutions.

A previous Zoom meeting held by the Developer representative was very much appreciated, however, answers to questions were not addressed. At that time, I was hopeful that notations were being made of the concerns expressed by my neighbours and myself and that some follow up communication would result. I had offered to form an advisory committee to assist the developer in understanding our concerns and having a productive negotiation toward a solution.

Unfortunately, no communication by the Developer or the City has been received and I am concerned that we have made no progress to a resolution to our differences in how this property should be developed.

Therefore, I can only bring forth my understanding at this time based on limited provision of information. I seek clarification, comprehension of issues and resolution.

Issues that I perceive from my perspective and not exhaustive or representative of all neighbours.

Issue	My conclusion
At the community meeting, I asked if there had been a study of demographics of the Lambeth community and a Needs Analysis identifying and providing a Gap Analysis of residential needs.	The response was silence.  I have to conclude that no, there was not any analyses completed and this plan is based on Developer need to realize as large of a return on investment as the land can provide. No consideration was made to the community, the impact or the need.  <b>Recommendation:</b> Complete a demographic research survey and provide a Needs and Gap analysis to confirm the best use of this property - for <u>the community</u> .

<p>The proposal is for 21 units, three bedroom, one driveway, one garage</p>	<p>This implies that the expected occupants will be at least one adult and two children.</p> <p>It is common knowledge that the adjacent Lambeth Public School is beyond capacity. Recent announcements from TBDSB has indicated that a new school is now in planning and will be built in the future – date TBD. The assumption is that until the new school is built, LPS will be required to accommodate any children living on this property.</p> <p>Calculating with the assumption that each unit will have two children of school age, there will be 42 children needing education. Again, based on assumption, at the first owner time, the vast majority of the children will be public school age or younger.</p> <p>Q – where will these 42 children play in this complex? The designated common land area is insufficient for multi-use which includes children’s play equipment.</p> <p>Q – is TBDSB prepared to have children playing on their property on non-school days?</p> <p>As the children grow into young adults, the current persona of a Lambeth as a bedroom community with limited bus access.</p> <p>Q - Is the city prepared to increase bus service to promote more usage as these children, as well as the surrounding development residents, make use of public transit?</p> <p>Current statistics on single parent families is 19.2%. Therefore, the assumption is that 80.8% of the units will have two adults. As mentioned previously, Lambeth as a bedroom community has historically not had transportation and is reliant on each household to travel into London using their own vehicles.</p> <p>Q- With the need of two vehicles for two working parents or parents who need transport to deliver children to and from activities, each unit will be maxed out for parking with one vehicle in the garage and one on the driveway. As the children grow and require their own vehicle, where will</p>
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	<p>these vehicles be parked as the property is limited to visitor parking?</p> <p><b>Recommendation:</b> decrease the number of units <u>by half</u> to permit larger driveways, larger laneway and more land for common usage.</p> <p>It is my assertion that upon a demographic analysis, it will be determined that first time home owners and Seniors wishing to downsize, but stay independent, will be identified as the “users” of this development.</p> <p><b>Recommendation:</b> design the property to be welcoming to young new owners or seniors who would only have need for a 2 bedroom unit. Make the units one floor with a basement. Provide a two car garage with two parking spaces in the driveway.</p>
<p>The property will have one central laneway with visitor parking mid-way and at the end adjacent to the neighbour to the north.</p>	<p>The property will be long and narrow and a narrow central laneway will be required to provide parking in driveways.</p> <p>Q – Has the City advised and consulted with their contractor, on the backing requirement and legal ramifications of backing from the end of the laneway to visitor parking – and are they aware that upwards of 42 to children could be hazards? This will involve garbage and recycling trucks. Should the city move to food waste, a third truck may be required entering this complex.</p> <p>Q – Should the waste removal contractor refuse to enter a narrow lane for legal and safety reasons, where will garbage pails and recycling pails that the residents will be required to wheel to a designated location be? 18 families generate a lot of garbage. Who will be responsible for ensuring cleanliness and a deterrent of rodents and animals?</p> <p>We live in the snow belt area of southern Ontario.</p> <p>Q - Who will be responsible for clearing snow? Will the laneway be recognized by the City?</p>

	<p>Q – Where will the snow be moved to? Will a visitor parking area be used, thus losing parking spaces during the winter? Will the snow be trucked professionally away? Again, lack of land space to manoeuvre large trucks will be a safety concern for the residents and a liability for the contractor.</p> <p>Q – With the normal land drainage being affected, how will piled melting snow from removal be directed to ensure that surrounding properties do not become low land for drainage?</p>
<p>Currently James St residents are using a septic system.</p>	<p>Q- With the proposed 21 units, how will sewage be dealt with? There is insufficient land to run tileage.</p> <p>Q –Has Thames Valley environmental been consulted if the plan is to install a septic system?</p> <p>Q- If the plan is to wait until sanitary sewers are installed on James, is the Developer planning to sit on this property and for how many years?</p> <p>Q- If neighbouring owners do not connect and the cost of sewer installation increases, is the Developer prepared to pay the cost of connecting the 21 units?</p>
<p>At the Zoom community information meeting, it was stated that a high wood fence would be erected around the perimeter of the property.</p>	<p>I find this disturbing as only jails and scrap yards have high fences to keep probing eyes out.</p> <p>This is insulting to the proposed residents to be placed in a “compound” that locks them in and treats them as undesirables.</p> <p>It is my opinion that the caging of this compound will lead to a small community within a community and possible ramifications could be unsettling as it will imply “them” the neighbour outsiders and “us” the insiders. This is not productive for our community.</p> <p><b>Recommendation:</b> with the decrease in units per land, more open space and landscaping will assist in the integration of this small community into the James St. community.</p>

I will once again reiterate my offer to assist in creating a James St. advisory committee that would work with the Developer and City to create a project plan that is entirely beneficial to the residents of James St., Lambeth as a very special and historical community and a project that can become a show piece of pride for the Developer and City to point to as they enter other communities with development projects.

At this point in time, I support any resistance to the proposed usage of the land and I promote a collaborative approach between the Developer and residents.

Regards,  
Mary Jane Bauer

C: Ed Holder [mayor@london.ca](mailto:mayor@london.ca)  
Anna Hopkins [ahopkins@london.ca](mailto:ahopkins@london.ca)  
Melanie Vivian [mvivian@london.ca](mailto:mvivian@london.ca)

## **March 16, 2022 Addendum**

I am resubmitting this letter for inclusion in the agenda for March 22, 2022 Council deliberations regarding the approval of development for 6756 James St.

In the letter above, I sought answers to what I believe is a faulty plan for this development. Since the initial submission, I have considered why this development would be of interest to me, as I am not an adjacent landowner.

I am six weeks into my retirement and this issue has given me pause to reflect on my future in Lambeth. As I look at new development that is currently happening to the north between James St. and Pack Road, Southwinds and Pack Road and to the east of the Beattie St. extension toward Bostwick Road, I see numerous homes being built and planned, and some multi-dwelling buildings near the Bostwick. There is a considerable number of new builds under way.

One critical perspective as a senior who will in the future have limited mobility and energy but hopes for continued health and independence, there is no housing that would accommodate someone who no longer drives and needs to walk to Foodland or Greenhills Pharmacy. I have a chronic illness that is limiting but manageable, however, my only recourse, at this time, is to remain in a 4-bedroom home which will eventually be beyond my capabilities. What considerations have been given to the City's Master Plan for Lambeth for the ever-increasing senior population and those with disabilities – particularly in the Lambeth area?

A personal face: Forty-four years ago I arrived in Lambeth as a new bride and have contributed to my community as Home and School member and president, participated in Harvestfest parades, organized children's fun fair activities both at the community centre and Duffield school (a.k.a Lambeth Public school), I have driven school bus for 20 years driving children to Duffield, coached T-ball, attended hockey practices and games, I managed for a decade Lambeth Senior housing of 25 units (which has given me great insight into Senior's needs), I've attended church and I've

participated in many, many Lambeth activities. I have contributed to the well-being of the Lambeth community.

So, the question then becomes, how is my community supporting me? At some point my husband and I are going to have to make a difficult decision to leave our community because it failed to consider our senior population and those with limited mobility and assist them in remaining independent. Our only options would be to go to Lambeth Seniors apartments which are not within walking distance of our only grocery store or pharmacy, or institutionalized living at Ashwood Manor. **There are no transitional housing options available to us in Lambeth that support walking, wheelchair, or scooter mobility for accessing stores for our basic needs.** This, therefore, is the basis for my involvement in this development and rezoning issue.

As so, a personal face to an impersonal process. I ask that the current plan be rejected based on not meeting community needs, as well as, the issues noted previously above that the current plan is not a best plan for future residents and that a **modified inclusionary development plan be required.**

Thank you for your kind consideration.

Mary Jane Bauer

C: [planning@london.ca](mailto:planning@london.ca)  
[mvivian@london.ca](mailto:mvivian@london.ca)  
[hlysynsk@london.ca](mailto:hlysynsk@london.ca)

Examples of possible alternative development plan.





**From:** Rick Jankura

**Sent:** Wednesday, March 16, 2022 10:15 AM

**To:** Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>; Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>

**Cc:** City of London, Mayor <[mayor@london.ca](mailto:mayor@london.ca)>; Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Planning <[Planning@london.ca](mailto:Planning@london.ca)>; Council Agenda <[councilagenda@london.ca](mailto:councilagenda@london.ca)>

**Subject:** [EXTERNAL] Proposed Multi-family Residential Development at 6756 James Street, London, Ontario

Good morning all,

Some of my neighbors have informed me that we need to send emails in regards to the rezoning application on James St. before noon today. You have my permission to include this note in the council meetings scheduled to consider this matter, including the meeting scheduled for March 22, 2022.

I am a resident of the Lambeth community within the City of London. Our family to this community prior to its annexation with the City of London, when it was part of the Town of Westminster. I am not against community development when it is done responsibly and with the needs and capacity of the community in mind. Our community has served our family well but I must say that I am disappointed with development and plans for development that have occurred in our community of late. Some of it does not take into account the needs of the community or the additional risks it presents to its residents. The City has a track record of allowing development also gets ahead of the infrastructure required to support that development. This has resulted in Toronto-like gridlock in some areas of our City. One example of Lambeth development I have been disappointed is the redevelopment of Main Street in the Lambeth community. This redevelopment has increased risk to motorists, pedestrians and cyclists through the following flaws in planning and design.

- The confusing traffic flows introduced at the intersections at Main Street and Campbell Street and Main Street and Colonel Talbot Road. I have witnessed many near misses at these intersections due to poor design for traffic flow.
- Additional lanes were sacrificed on Main Street in favour of a limited amount of on-street parking which I have never seen used due to an abundance of parking available at commercial sites along Main Street.
- Concrete planter barriers have been placed in the middle lane which makes left turn access to commercial sites along Main Street confusing and dangerous.
- The City did not have the foresight to add bicycle lanes along Main Street. The traffic lanes along Main Street are not wide enough to safely accommodate vehicles and bicycles at the same time. The only safe option for cyclists is to use the sidewalks, which increases risk to pedestrians. If you ever visited our community you will know it is filled with people who like to walk.

Now on the the main reason for this email - my concern about the development proposed for 6756 James Street. Let me first say that I do not live in that area of the Lambeth community so I am not directly affected. I understand the municipal and provincial push for high density residential development due to the favourable economics it provides to these two stakeholders. However, responsible development must take into account the needs of other stakeholders within the community. I am concerned about the level of increased risk and impact to quality of life for residents



in our community who have children that attend the adjacent school or who live in that area. While I am not a professional civic planner, in my mind this is a perfect example of irresponsible infill development. The immediate area does not have the infrastructure to support the increased traffic in the immediate area that will result from the proposed infill development as well as the new community that is being developed to the North of this area. My understanding is that the community school is at capacity and will likely be that way for some time, especially with all of the new development that is taking place in and planned for the Lambeth community.

What has also become apparent based on information shared with me by another resident of our community is that the concept drawing has major flaws that members of the community can see but we haven't had the tools to clearly state why.

Based on advice received from others in the community, I would like to request that you see this as a major alteration to our zoning laws, but more importantly we now understand that the concept drawing is just that. Just a concept that will have to be altered, and therefore we are being sold something that cannot be built. The garbage, the traffic and the parking are all major concerns, and the draft cannot accomplish what has been told to us at the public meetings.

The plan/drawing misses the width required and falsely depicts something that most likely cannot be built and therefore will require new concepts and falsely conceptualizes what the builder will build. This is what has been frustrating for us. We know it intellectually by standing on the lot, but assumed that the plan took the building code into thought.

We have discovered otherwise, and have felt let down by our councilors. See widths below.

Back yard	6 meters
Home	9 meters
Driveway	11 meters
Road	10 meters
Driveway	11 meters
Home	9 meters
Back Yard	6 meters
Total	72 meters
Land width	46 meters

We are missing 16 meters to build this.

We would like to ask that this be addressed so that our community can truly see what is planned for execution in our community.

Thank you for your consideration.

Respectfully submitted,

Rick Jankura



London, Ontario

Good evening all,  
Some of my neighbors have informed me that we need to send emails in regards to the rezoning application on James St. before noon tomorrow.

What has become apparent is that the concept drawing has major flaws that all of us in the community can see but we haven't had the tools to clearly state why.

I would like to request that we see this as a major alteration to our zoning laws, but more importantly we now understand that the concept drawing is just that. Just a concept that will have to be altered, and therefore we are being sold something that cannot be built. The garbage, the traffic and the parking are all major concerns, and the draft cannot accomplish what has been told to us at the public meetings.

The plan/drawing misses the width required and falsely depicts something that most likely cannot be built and therefore will require new concepts and falsely conceptualizes what the builder will build. This is what has been frustrating for us. We know it intellectually by standing on the lot, but assumed that the plan took the building code into thought.

We have discovered otherwise, and have felt let down by our councilors. See widths below.

Back yard	6 meters
Home	9 meters
Driveway	11 meters

Road	20 meters
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Driveway 11 meters

Home 9 meters

Back Yard 6 meters

Total 72 meters

Land width 46 meters

We are missing 26 meters to build this.

We would like to ask that this be addressed so that we as the community can truly see what is planned for execution in our community.

Thank you for your consideration.

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Brenda and Charles Holden 7015 James Street Lambeth

**From:** donna sharpe

**Sent:** Tuesday, March 15, 2022 6:24 PM

**To:** City of London, Mayor <[mayor@london.ca](mailto:mayor@london.ca)>; van Holst, Michael <[mvanholst@london.ca](mailto:mvanholst@london.ca)>; Lewis, Shawn <[slewis@london.ca](mailto:slewis@london.ca)>; Salih, Mo Mohamed <[msalih@london.ca](mailto:msalih@london.ca)>; Helmer, Jesse <[jhelmer@london.ca](mailto:jhelmer@london.ca)>; Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>; Hamou, Mariam <[mhamou@london.ca](mailto:mhamou@london.ca)>; Lehman, Steve <[slehman@london.ca](mailto:slehman@london.ca)>; Pelozo, Elizabeth <[epeloz@london.ca](mailto:epeloz@london.ca)>; Van Meerbergen, Paul <[pvanmeerbergen@london.ca](mailto:pvanmeerbergen@london.ca)>; Turner, Stephen <[sturner@london.ca](mailto:sturner@london.ca)>; Hillier, Steven <[shillier@london.ca](mailto:shillier@london.ca)>; Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>; Fyfe-Millar, John <[jfmillar@london.ca](mailto:jfmillar@london.ca)>; Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>; Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Planning <[Planning@london.ca](mailto:Planning@london.ca)>

**Subject:** [EXTERNAL] Concerns to be added to the March 22nd meeting regarding the Re-zoning of 6756 James St, Lambeth

March 15,2022

To Whom it May Concern,

I am writing with concerns regarding the **proposed re-zoning of 6756 James St., London Ontario** in hopes that it will be added to the March 22nd meeting.

I am a long time resident of James Street and although I have numerous personal concerns about changing of the peaceful feel of the neighbourhood and changing the small community atmosphere with all of the new construction in Lambeth. I do understand that the "feelings" of residents are not going to be addressed in this type of proposal.

I do however have two concerns that I feel should be addressed.

The **traffic** issues on James Street, especially during the beginning and end of the school, is an issue. At these times the street is blocked solid and at many times cars are parked on both sides of the road all the way to Campbell Street. It is already very difficult to get in and especially out of my own driveway and the additional volume of vehicles that would be added with the extensive new construction in Lambeth and then adding the proposed 22 unit town home development would certainly add to the already ugly situation. I do hear from neighbours that the actual volume of potential students to the school would be and issue though I am certainly not aware of the actual numbers.

My bigger issue has to do with **water drainage** in this area. When we first moved to Lambeth the basement sump pump hole was a dry home for spiders. There was water running into the sump pump hole only during Spring thaw. When Beattie Street was extended a number of years ago the water started running. When the school was enlarged we had another increase in the amount of running water and when Campbell Street was extended, the vacant land behind my home( now City property) became a soggy area often ponded with standing water, We now have a constant run of water with the sump pump running continuously. I know that my neighbours have also noted this trend and I fear that the large proposed development will only worsen this issue putting the neighbourhood at a bigger flood risk. As you know we are all on personal septic systems and are concerned about the increasing ground water in this area.

I do understand that this is a business deal and that Lambeth residents do not have much of a say as to how the vacant lands will be used. I do hope that the concrete concerns of the Lambeth residents, mine being traffic and water drainage are considered.

Thank you for your consideration.

Sincerely,  
Donna Sharpe  
6728 James St

**From:** JIM/BETTY POSTHUMUS

**Sent:** Wednesday, March 16, 2022 12:03 PM

**To:** City of London, Mayor <[mayor@london.ca](mailto:mayor@london.ca)>; Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>; Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>

**Cc:** Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Planning <[Planning@london.ca](mailto:Planning@london.ca)>

**Subject:** [EXTERNAL] Re-Zoning 6756 James St.

To all Concerned

I know that you have received many letters in regards to the re-zoning of this property and I realize that a final decision will be made on the 22nd. of this month. Up until now all of our concerns have been dismissed and it feels like this will be pushed through. This re- zoning does not affect you in anyway shape or form, but it does to the people that live here. We live work and play here, we raise our kids here and this matters greatly to us and your decision will affect us. I will not go into all of our concerns again as you have heard them several times, but the math does not add up to the dimensions proposed. It is obvious that the planning dept. never checked this out and just took the builders word for it. Please lets have a meeting together and see if we can come up with a favorable solution for all. Please address our concerns at the meeting and not just toss them aside.

Please add my concerns to the meeting agenda for the 22nd.

Thank you

Jim Posthumus

6770 James St

Lambeth

**From:** shane boisvert

**Sent:** Wednesday, March 16, 2022 8:13 AM

**To:** Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>; Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>

**Subject:** [EXTERNAL] Lambeth - James Street rezoning

Good morning,

Some of my neighbors have informed me that we need to send emails in regards to the rezoning application on James St. before noon tomorrow.

What has become apparent is that the concept drawing has major flaws that all of us in the community can see but we haven't had the tools to clearly state why.

I would like to request that we see this as a major alteration to our zoning laws, but more importantly we now understand that the concept drawing is just that. Just a concept that will have to be altered, and therefore we are being sold something that cannot be built. The garbage, the traffic and the parking are all major concerns, and the draft cannot accomplish what has been told to us at the public meetings.

The plan/drawing misses the width required and falsely depicts something that most likely cannot be built and therefore will require new concepts and falsely conceptualizes what the builder will build. This is what has been frustrating for us. We know it intellectually by standing on the lot, but assumed that the plan took the building code into thought.

We have discovered otherwise, and have felt let down by our councillors. See widths below.

Back yard 6 meters

Home 9 meters

Driveway 11 meters

Road 10 meters

Driveway 11 meters

Home 9 meters

Back Yard 6 meters

Total 72 meters

Land width 46 meters

We are missing 16 meters to build this.

We would like to ask that this be addressed so that we as the community can truly see what is planned for execution in our community.

Thank you for your consideration.

Shane Boisvert

Lambeth resident

**From:** Derek Nash

**Sent:** Tuesday, March 15, 2022 9:57 PM

**To:** Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>; Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>

**Subject:** [EXTERNAL] James street zoning confusion

Good evening all,

Some of my neighbors have informed me that we need to send emails in regards to the rezoning application on James St. before noon tomorrow.

What has become apparent is that the concept drawing has major flaws that all of us in the community can see but we haven't had the tools to clearly state why.

I would like to request that we see this as a major alteration to our zoning laws, but more importantly we now understand that the concept drawing is just that. Just a concept that will have to be altered, and therefore we are being sold something that cannot be built. The garbage, the traffic and the parking are all major concerns, and the draft cannot accomplish what has been told to us at the public meetings.

The plan/drawing misses the width required and falsely depicts something that most likely cannot be built and therefore will require new concepts and falsely conceptualizes what the builder will build. This is what has been frustrating for us. We know it intellectually by standing on the lot, but assumed that the plan took the building code into thought.

We have discovered otherwise, and have felt let down by our councilors. See widths below.

Back yard 6 meters

Home 9 meters

Driveway 11 meters

Road 20 meters

Driveway 11 meters

Home 9 meters

Back Yard 6 meters

Total 72 meters

Land width 46 meters

We are missing 26 meters to build this.

We would like to ask that this be addressed so that we as the community can truly see what is planned for execution in our community. Especially in this specific neighborhood.

Thank you for your consideration.



**From:** Erin Morris

**Sent:** Tuesday, March 15, 2022 10:27 PM

**To:** Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>; Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>

**Subject:** [EXTERNAL] James St rezoning concerns

Good evening,

Some of my neighbors have informed me that we need to send emails in regards to the rezoning application on James St. before noon tomorrow.

It has become apparent is that the concept drawing has major flaws that all of us in the community can see but we haven't had the tools to clearly state why.

I would like to request that we see this as a major alteration to our zoning laws, but more importantly we now understand that the concept drawing is just that. Just a concept - without clear thought to how it will affect the neighborhood and as such it that will have to be altered. We are being sold something that cannot be built!

The garbage, the traffic, the flow of storm water and the parking are all major concerns, and the draft that is being presented to our community cannot accomplish what has been told to us at the public meetings.

I have been informed that the plan/drawing misses the width required and falsely depicts something that most likely cannot be built and therefore will require new concepts and falsely conceptualizes what the builder will build. This is what has been frustrating for us. We know it intellectually by standing on the lot, but assumed that the plan took the building code into thought.

My neighbours have discovered otherwise, and now we feel very let down by our councilors. See widths below.

Back yard 6 meters

Home 9 meters

Driveway 11 meters

Road 20 meters

Driveway 11 meters

Home 9 meters

Back Yard 6 meters

Total 72 meters

Land width 46 meters

The physical location is missing 26 meters to build this!!!!!!!

I would like to ask that this be addressed so that we as the community can truly see what is actually planned for execution in this lot. Anything less than a precise plan is unacceptable.

Thank you for your consideration.

Erin Morris

Lambeth community member since 2011

**From:** Liisa Mc Innis

**Sent:** Wednesday, March 16, 2022 7:26 AM

**To:** Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>; Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>

**Subject:** [EXTERNAL] Rezoning on James Street

Good morning,

Some of my neighbors have informed me that we need to send emails in regards to the rezoning application on James St. before noon today.

What has become apparent, is that the concept drawing has major flaws that all of us in the community can see, but haven't had the tools to clearly explain.

This is a major alteration to our zoning laws, and the depiction of the housing development that is slated to be built is not a good fit for the pre-existing suburb that it is wedged between. The garbage, the traffic, and the parking are all major concerns, as well as the construction next to an overcrowded school where the safety of children, who walk to school, is a major flaw.

The plan/drawing misses the width required and falsely depicts something that most likely cannot be built and will require new concepts. We feel the plan falsely conceptualizes what the builder will build. This is what has been frustrating for us. We know it intellectually by standing on the lot, but assumed that the plan took the building code into thought.

We feel let down by our councilors. See widths below.

Back yard 6 meters

Home 9 meters

Driveway 11 meters

Road 10 meters

Driveway 11 meters

Home 9 meters

Back Yard 6 meters

Total 72 meters

Land width 46 meters

We are missing 16 meters to build this.

We would like to ask that this be addressed so that we as the community can truly see what is planned for execution in our community.

Thank you for your consideration.

Liisa McInnis  
Resident in Lambeth

**From:** Klaud Czeslawski

**Sent:** Wednesday, March 16, 2022 2:24 PM

**To:** Hopkins, Anna <ahopkins@london.ca>; Council Agenda <councilagenda@london.ca>; Vivian, Melanie <mvivian@london.ca>; Lysynski, Heather <hlysynsk@London.ca>; City of London, Mayor <mayor@london.ca>; Planning <Planning@london.ca>

**Subject:** [EXTERNAL] James Street Development, Lambeth

Afternoon

A follow up to my initial emails...

I believe the complex should have zero access to James street, the lots facing James should be single family, to match the rest of the road.

Access should be off Campbell street and at rear only, James is already a nightmare for traffic.

Thnx

Klaud Czeslawski

**From:** Jo-Anne Snyders

**Sent:** Tuesday, March 15, 2022 9:22 PM

**To:** Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>; Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>

**Subject:** [EXTERNAL] James St rezoning application

Good evening all,

Some of my neighbors have informed me that we need to send emails in regards to the rezoning application on James St. before noon tomorrow.

What has become apparent is that the concept drawing has major flaws that all of us in the community can see but we haven't had the tools to clearly state why.

I would like to request that we see this as a major alteration to our zoning laws, but more importantly we now understand that the concept drawing is just that. Just a concept that will have to be altered, and therefore we are being sold something that cannot be built. The garbage, the traffic and the parking are all major concerns, and the draft cannot accomplish what has been told to us at the public meetings.

The plan/drawing misses the width required and falsely depicts something that most likely cannot be built and therefore will require new concepts and falsely conceptualizes what the builder will build. This is what has been frustrating for us. We know it intellectually by standing on the lot, but assumed that the plan took the building code into thought.

We have discovered otherwise, and have felt let down by our councilors. See widths below.

Back yard 6 meters

Home 9 meters

Driveway 11 meters

Road 20 meters

Driveway 11 meters

Home 9 meters

Back Yard 6 meters

Total 72 meters

Land width 46 meters

We are missing 26 meters to build this.

We would like to ask that this be addressed so that we as the community can truly see what is planned for execution in our community.

Thank you for your consideration.

I am E-mailing all council members of the City of London to express my concerns in the regard to the rezoning of 6709 James St. London. My husband and I purchased our home at 6709 James St. on Feb27/87 and were happy to be out of the city and into small town living until the province and the City of London took it all away. Now it's water drainage issues. I was told to put a water garden on my front lawn. Yah that's going to work. All that would have done is drain the neighbors' and mine into my front yard. The properties in this area all slope to Campbell Street. I was also told I should not have drainage issues because my home sat on sand so that means drainage should not be an issue. If you can find sand here it must be hiding under all that clay. No sanitary sewers. When the city first held meetings with the citizens of Lambeth, we were told we were looking at about 10 years or so before sanitary sewers because there was no room for Lambeth. How much more new construction all over the city has been added to the sanitary line since then? Did they have to wait? Just how long ago was that 10 year estimate anyway? Now how about the school that was just enlarged to accommodate all the children in the area. Well looks like we can look forward to maybe another enlargement to maybe a second floor or a brand-new school sometime down the road. Don't forget about the fact that the sanitary line will have to be looked at as well. Taxes in this area are very high for what we get out of the city. If this rezoning goes ahead and it most likely will, I hope some of the issues I have told you will be address in the not-so-distant future. The sooner the better.

Peter & Mary Jenkinson – March 15, 2022

Dear Mayor Ed Holder, by-law committee members and city council:

Re: Flyer Deliveries to Residential Properties

A news report on CTV2 News London, on Sunday, February 27, 2022, at 18:40 hrs has spurred me on to address the issue discussed – proposed graphic abortion image flyers by-law will be challenged in court if the bill passes. This news segment shows an Oct. 28, 2020 video clip of two women<sup>i</sup> (Handmaids) dressed in white caps and red gowns, and a man bellowing out an anti-pamphlet chant on the steps of City Hall. It also features Deanna Ronson of Abortion Rights Coalition of Canada.

I made a presentation to the committee on November 16, 2021, along with a host of other presenters. I reiterate what I said then: Please drop this by-law initiative; it is a Pro Choice, political and ideological initiative.

On the political front, “pro-choice”/ pro-abortion people lead by Katie Dean and others, brought forward to City Hall the desire to have a by-law set against these images; they also have appealed to our local NDP MPPs to push forward legislation (Bill 259) to ban these images or similar images from public view – Peggy Sattler, Theresa Armstrong, and Terence Kernaghan.

Ideologically, we have Ronson and Dean supporting the proposed by-law and Bill 259.

All four of the above mentioned individuals are pro-abortion. They want the killing of innocent pre-born babies to continue and they especially do not want any opposition from the pro-life advocates. I suspect too that there are city councilors who are also politically and ideologically in support of abortion. This I would say is a conflict of interest!

Does City Hall really want to proceed with this by-law? Do the committee members, City Council and our Mayor really want to use their time and our tax dollars on an ideologically and politically motivated agenda? Does our city really want to use time and money on legal challenges? Does City Hall really want to align itself with a movement that wants to perpetuate the assault on pre-born children and their mothers?!

Where our time and money should really be going to, is to address what the real harm<sup>ii</sup>, not the alleged “harm” ‘that Ronson refers to.

The real harm that is being made is to the pre-born children in their mothers’ wombs, and to their mothers, and the fathers and family members, and ultimately to our society.

When you take a close look at the true desires of the above-mentioned individuals, and their involvement with this by-law proposal and their involvement with the provincial Bill 259 (viewer discretion), it is an attempt to silence the pro-life voice that advocates for the right to life of the pre-born children and the support for their mothers.

What we really need to turn our focus on is how our City can help the mothers who think that their only option is to have their children killed by abortion, whether by surgical or chemical means!

Our city, our province, our nation needs to invest in the multiple ways in which it takes to help these pregnant mothers and their children – pre-birth and post-birth! Where there is the will, there will be the way!

Dear Mayor, and councilors, please vote against this by-law!

Praying to end abortion!

Sincerely, *John S. Buloga*<sup>iii</sup>, N5Z 2R5

C.c. Jerri-Joanne Bunn, committee clerk

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<sup>i</sup> **On October 31, 2020**, these same **Handmaids** and their two dozen “pro-choice” friends came to the corner of Wellington and Commissioners Roads, adjacent to Victoria Hospital and made every effort to block about 8 pro-lifer individuals from presenting their message to the public. These pro-life individuals were participating in an event called 40 Days For Life, holding signs that read “Pray To End Abortion”. One or two signs also advertised crisis pregnancy hot lines. Most of these pro-life individuals and their signs were prevented by the “pro-choicers”, from being seen by the public walking or driving by. Pregnant women who might be going by could not see the hot line number, nor the positive message of praying to end abortion.

My point is this, these “pro-choicers”, these same people who want legislation against graphic images also, but primarily, don’t want any pro-life messages being presented, advertised, or promoted. It is their agenda, their goal, to keep abortion operative in our city, province and nation, under the guise of being “Pro-Choice”. Real choice means offering pregnant women all the resources and help at our society’s disposal to protect their children in their wombs and outside their wombs and enable the mothers to live a good, healthy and prosperous family life and contribute to building a healthy, prosperous and just society!

<sup>ii</sup> **Harm.** This word was used a lot by those supporting this by-law proposal. The allegations of harm being done to people who see the images of aborted babies is merely a smoke screen for the motivation of those proposing the by-law and Bill 259. The main objective is to perpetuate the “Pro-Choice” pro-abortion ideology – a cop out to what the real problem is and what the real solutions need to be!

Seeing an image, and being affected by it can be resolved, as long as this person will speak to someone who can, in an honest, compassionate, and calm way, explain what the person saw, and if appropriate explain how that image may relate to that person’s history (rape, miscarriage, fetal anomalies, having had an abortion, etc.)

In the end, this “harm” can be mitigated or even eliminated. What cannot be mitigated or eliminated is the real terminal harm done to a pre-born child by abortion.

What is interesting to notice is how those promoting this by-law and Bill 259, are admitting that the graphic images are horrible, disturbing, disgusting, et cetera! At least they are getting one thing right – terrible harm, death, is done to these children in the womb.

If it is so disturbing that it could even do alleged “harm” on children and adults alike, then doesn’t that tell you that something is terribly wrong with abortion? As well, if the “pro-choice” people are okay with abortion as an option, then what is wrong with seeing such images of abortion that they support?!

These graphic images present what we as individuals, professionals, and society are doing to pre-born children!

I am a grandfather – and when I look at my little grandson ZJT, I think: “How could anyone support abortion – chemical or surgical? I see more clearly why I am so much in support of advocating for those little ones, and their mothers!

And, let’s acknowledge that the issue is a moot point! “Harm”, the by-law, and Bill, are barking up the wrong tree, because that which is in the human womb is not a human being according to Section 223(1) of the Criminal Code of Canada says so. It is the law! BUT – we ALL know that that is not true! We know that that which is in the womb is a pre-born human being! And this child deserves legal protection, support; and the mothers need societal support.

<sup>iii</sup> Pardon me for any missed typos!

# ALAN HONNER

BARRISTER & SOLICITOR

February 28, 2022

Mayor Ed Holder  
300 Dufferin Avenue  
London, Ontario  
N6B 1Z2

Dear Mayor Holder:

**Re: Proposed By-law Prohibiting Distribution of Graphic Images**

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I am legal counsel for the Canadian Centre for Bioethical Reform (“CCBR”). I am writing to you about a draft by-law which seeks to prohibit the distribution of flyers containing graphic images at properties within the City of London.

The by-laws of a municipality must comply with the *Canadian Charter of Rights and Freedoms*, including the right to freedom of expression. The right to free expression broadly protects any type of activity or communication which conveys or attempts to convey meaning. When it comes to political speech, the *Charter* affords a higher degree of protection because of its importance to a democratic society.

The debates and resolutions of Municipal Council reveal that the true objective of the proposed by-law is to limit communications related to abortion by prohibiting the distribution of graphic images. Specifically, the by-law attempts to restrict political speech by limiting the ability of groups like the CCBR to convey their message. In imposing these restrictions, the by-law infringes the rights of persons expressing themselves and the rights of persons to receive information.

It is only a matter of time before this by-law is challenged in court. The *prima facie* breach of the *Charter* will easily be demonstrated. At that point, the onus will shift to the Municipality to demonstrate that the by-law is a justified limit on free expression under the *Oakes* test.

The Municipality will have difficulty in discharging this onus. The fact is that the proposed by-law prohibits the distribution of graphic images on the basis that they may *potentially* trigger a negative reaction, no matter how small, to the health or wellbeing of *any person*. As this definition is bereft of an objective standard, it is difficult to imagine how the Municipality will demonstrate that there is a compelling state objective that justifies limiting political speech. Canadian courts are unlikely to limit fundamental freedoms on this sort of metric.

As there is no compelling state objective, the court would not need to consider whether there is proportionality between the objective of the by-law and the means used to achieve it. However, if that analysis were to occur, the Municipality would not be able to discharge its onus. The true

3416 Dundas Street West, Unit 201, Toronto, ON M6S 2S1  
T: 416 303 6487 • F: 416 352 5255  
alan@honnerlaw.ca • www.honnerlaw.ca



objective of the by-law, as stated, is to limit expression related to abortion. The by-law exceeds this purpose by banning all graphic images whatsoever. As the by-law is overbroad, the municipality will not be able to demonstrate that it is minimally impairing under the second branch of the proportionality test.

The CCBR urges all council members to uphold the law and vote against the enactment of this proposed by-law.

Yours truly,

*Alan Honner*

Alan Honner  
Barrister & Solicitor

Copy:

Councillor Michael van Holst  
[mvanholst@london.ca](mailto:mvanholst@london.ca)

Councillor Shawn Lewis  
[slewis@london.ca](mailto:slewis@london.ca)

Councillor Mohamed Salih  
[msalih@london.ca](mailto:msalih@london.ca)

Councillor Jesse Helmer  
[jhelmer@london.ca](mailto:jhelmer@london.ca)

Councillor Maureen Cassidy  
[mcassidy@london.ca](mailto:mcassidy@london.ca)

Councillor Mariam Hamou  
[mhamou@london.ca](mailto:mhamou@london.ca)

Councillor Josh Morgan  
[joshmorgan@london.ca](mailto:joshmorgan@london.ca)

3416 Dundas Street West, Unit 201, Toronto, ON M6S 2S1  
T: 416 303 6487 • F: 416 352 5255  
[alan@honnerlaw.ca](mailto:alan@honnerlaw.ca) • [www.honnerlaw.ca](http://www.honnerlaw.ca)

Councillor Steve Lehman  
slehman@london.ca

Councillor Anna Hopkins  
ahopkins@london.ca

Councillor Paul Van Meerbergen  
pvanmeerbergen@london.ca

Councillor Stephen Turner  
sturner@london.ca

Councillor Elizabeth Pelosa  
epelosa@london.ca

Councillor John Fyfe-Millar  
jfmillar@london.ca

Councillor Steven Hillier  
shillier@london.ca

3416 Dundas Street West, Unit 201, Toronto, ON M6S 2S1  
T: 416 303 6487 • F: 416 352 5255  
alan@honnerlaw.ca • www.honnerlaw.ca

RE: Graphic Flyers

March 16, 2022

Dear Colleagues,

I am grateful to staff for preparing the flyer bylaws that council requested. However, we are not obliged to pass them and listed below are some objective reasons why it might be better not to do so.

**This is not a municipal issue**

The content of flyers delivered by private organizations to private residences is not under municipal oversight. For similar complaints, residents would be told this is a civil matter outside the jurisdiction of the municipality.

**A remedy already exists**

Residents who wish not to receive the flyers in question can make use of the Trespass to Property Act

**The remedy is being honoured**

The group delivering the flyers is on public record saying that they do not trespass.

**Our bylaw will be challenged**

The group's lawyers have informed us that a challenge is "inevitable".

**The LTC has lost a similar lawsuit**

Precedents have been set in our own city that uphold the freedom of expression for related matters.

**No other municipality has taken this course**

One might presume that their legal teams have advised against it.

**Tax dollars are on the line**

Taxpayers will cover the costs of the suit and the likely award of costs against us.

**We will be accused of violating the constitution**

The bylaw will be seen as interfering with freedom of expression.

**We will be accused of overstepping our authority**

This would typically be a provincial matter.

**We will be accused of not acting impartially**

Those engaged in the pro-choice/pro-life debate are not impacted equally.

**There may be unintended consequences**

Our actions could result in a situation less favourable than the present.

I encourage you to vote down the committee recommendation and advise residents to protect their rights using the Trespass to Property Act.

Sincerely,

Michael van Holst

Dear London City Councillors

I understand you will be voting soon on whether or not to ban the delivery of any flyers containing graphic images to homes in London. The by-law specifically mentions flyers containing "dismembered humans or aborted fetuses", but please be aware – this vote could be precedent setting. The issue here is not about abortion or abortion pictures; the issue is freedom of expression. Today you are talking about banning graphic images of abortion; what will be banned tomorrow?

Regardless of your views on abortion, what is at stake here is freedom of expression. Our freedoms are too important to be whittled away. Our society today prides itself on 'diversity and inclusion'. Let's not exclude those whose opinions, while perhaps unpopular, are nonetheless valid and important.

Thank you

Jean Hedley, Walkerton ON

Dear Mayor and London City Councillors,

My name is Jakki Jeffs and I am Executive Director of Alliance for Life Ontario which represents 50 affiliate member educational pro-life groups currently operating across Ontario.

Thank you for the process that you have asked the Community and Protective Services Committee to undertake for the last several months regarding Flyer delivery to Private Homes across London. We know that that the City does not have the authority to pass a by-law which violates the Charter of Rights and Freedoms and yet this very kind of by-law has been proposed to the City Council, as draft appendix "C" in the March 1<sup>st</sup> 2022 Report of the Deputy City Manager to the Chair and members of the Community Services.

In its current form it is our understanding that this draft by-law will be in violation of the Charter of Rights and Freedoms at 2b Fundamental Rights of Freedom of Expression/Speech, which is an "original" freedom. The City of London has been thrown into a national debate on abortion and specifically "victim photography," where one side is endeavoring to silence the other by using the City. While it is understandable that many Canadians do not wish to see the results of abortion and may be offended by the photos there is no right prohibiting anyone from bringing these photos to their fellow citizens' attention. None of us has a right not to be offended. I could raise many examples of things which offend me every day, but I recognize that we live in a democracy and I am willing to pay the price of being offended, to protect and remain in a society with such freedoms.

One has to ask the question, if the results of an action are so offensive should the action be taken? The "victim photography" is one way of showing Canadian citizens the injustice and violence of induced abortion. The City has no power to commit such an abuse of power and blatant overreach, by being specific with regard to the content of these specific flyers.

As a Municipal Government, City Council must consider and uphold Charter Rights when making all decisions and with greater respect to its by-laws. Draft by-law "C" as recommended to the CPS Committee in the March 1<sup>st</sup> 2022 report is a violation of Charter Rights and the City should be ready for litigation should it proceed to vote for a draft containing such a violation.

I have included below Freedom of Expression as quoted by several Canadian Courts – because it seems that this fundamental right provides the principal guideline to the London City Council and thankfully restricts many unconstitutional actions that you appear to be being asked to consider - should you vote in favour of draft by-law "C" as per the March 1<sup>st</sup> 2022 report..

I sincerely hope that City Council uphold the Charter of Rights and Freedoms and remain neutral on the content of particular flyers delivered to private homes. There are many actions the city may take which do not violate the Charter in a democratic society and we hope that clear heads, justice and democracy prevail when City council votes on this issue on March 22<sup>nd</sup> 2022.

Please see the Court decisions below regarding freedom of expression in Canada.

Sincerely submitted

Mrs Jakki Jeffs  
Executive Director, Alliance for Life Ontario  
26, Norfolk Street, Guelph, Ontario N1H 4H8  
[aflo@mgl.ca](mailto:aflo@mgl.ca)  
519 824-7797/1 866 LUV BOTH (588 2684)

## **Bracken V Fort Eyrie Town 2017 ONCA 668 (CanLII)**

### **The analytical framework -- s. 2(b) analysis (25)**

[25] Freedom of expression has received broad protection in Canadian law, not only through the [Charter](#), but also through legislation and the common law. As Rand J. noted in *Saumur v. Quebec (City)*, [1953 CanLII 3 \(SCC\)](#), [1953] 2 S.C.R. 299, [1953] S.C.J. No. 49, at p. 329 S.C.R.:

"Strictly speaking, civil rights arise from positive law; **but freedom of speech, religion and the inviolability of the person are original freedoms** which are at once the **necessary attributes and modes of self-expression** of human beings and **the primary conditions of their community life** within a legal order.

" [Section 2\(b\)](#) further **entrenches the limits on government action in order to safeguard the ability of persons to express themselves to others**. As expressed in *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989 CanLII 87 \(SCC\)](#), [1989] 1 S.C.R. 927, [1989] S.C.J. No. 36, at pp. 968-69 S.C.R.:

**Freedom of expression was entrenched in our Constitution and is guaranteed . . . so as to ensure that everyone can manifest their thoughts, opinions, beliefs, indeed all expressions of the heart and mind, however unpopular, distasteful or contrary to the mainstream.** Such protection is, in the words of both the Canadian and Quebec Charters, "fundamental" because in a free, pluralistic and democratic society we prize a diversity of ideas and opinions for their inherent value both to the community and to the individual.

Free expression was for Cardozo J. of the United States Supreme Court "the matrix, the indispensable condition of nearly every other form of freedom" (*Palko v. Connecticut*, 302 U.S. 319 (1937), at p. 327);

for Rand J. of the Supreme Court of Canada, it was "little less vital to man's mind and spirit than breathing is to his physical existence" (*Switzman v. Elbling*, [1957 CanLII 2 \(SCC\)](#), [1957] S.C.R. 285, at p. 306).

And as the European Court stated in the *Handyside* case, Eur. Court H. R., decision of 29 April 1976, Series A No. 24, at p. 23, **freedom of expression:**

**. . . is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society".**

[26] In its early s. 2(b) jurisprudence, the Supreme Court drew on the academic literature developed in the context of the First Amendment of the U.S. Constitution **to identify a set of human goods thought to be advanced by a constitutional protection of freedom of expression:** *Ford v. Quebec (Attorney General)*, [1988 CanLII 19 \(SCC\)](#), [1988] 2 S.C.R. 712, [1988] S.C.J. No. 88. These goods have been [page170] expressed variously in different decisions over the years.

**In *Irwin Toy*, 1988 they were summarized as**

- (1) enabling democratic discourse,
- (2) facilitating truth seeking, and
- (3) contributing to personal fulfillment.

In *R.W.D.S.U., Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd.*, [2002] 1 S.C.R. 156, [2002] S.C.J. No. 7, [2002 SCC 8](#), at para. [32](#), they were rendered as

"self-fulfilment, participation in social and political decision-making, and the communal exchange of ideas". Freedom of expression is thus not only inherently valuable to the self-constituting person, but courts have long recognized that it is also instrumental to the functioning of a healthy political community, particularly by facilitating the open criticism of government: *Ramsden v. Peterborough (City)* (1993), [1993 CanLII 60 \(SCC\)](#), 15 O.R. (3d) 548, [1993] 2 S.C.R. 1084, [1993] S.C.J. No. 87.

*6 Québec Inc.*, [2005] 3 S.C.R. 141, [2005] S.C.J. No. 63, [2005 SCC 62](#).

[34] Having concluded that the claimant has engaged in expression and the protection of s. 2(b) is not negated because of an inherent limit such as method or location, the next step in the s. 2(b) analysis set out in *Irwin Toy* is to ask whether the government action in question restricts expression in purpose or effect: *Montréal (City)*, at para. [82](#).

If the government action in question does not purposefully limit the expression in question, but limits it only as a side effect of pursuing some other purpose, the claimant is put to the additional burden of establishing that the expression in issue promotes one of the three purposes of freedom of expression articulated in *Irwin Toy*, at p. 976 S.C.R.: enabling democratic discourse, facilitating truth seeking and contributing to personal fulfilment: *Montréal (City)*, at para. [83](#).

[https://albertacourts.ca/docs/default-source/qb/judgments/lethbridge-and-district-pro-life-association-v-lethbridge-city-2020-abqb-654---reasons-for-decision.pdf?sfvrsn=490a6983\\_2](https://albertacourts.ca/docs/default-source/qb/judgments/lethbridge-and-district-pro-life-association-v-lethbridge-city-2020-abqb-654---reasons-for-decision.pdf?sfvrsn=490a6983_2)

**Court of Queen's Bench of Alberta; Lethbridge and District Pro-Life Association v Lethbridge City 2020 ABQB 654**

**2b Freedom of Expression; was given broad, purposive interpretation**

*Irwin Toy*, supra

- Even prior to Charter – recognized the fundamental importance of “freedom of expression”
- Alberta Statutes, 1938 CanLII (SCC) at page 752-753

Page 18

<https://www.canlii.org/en/on/onca/doc/2017/2017onca668/2017onca668.html>

**Bracken V Fort Eyrie Town 2017 ONCA 668 (CanLII)**

**TRESPASS NOTICE “The trespass notice had the effect of limiting the applicant's s. 2(b) rights.”**

Held, the appeal should be allowed.

**FEELINGS MAKE NO DIFFERENCE “An observer's subjective feelings of disquiet, unease, or even fear are not in themselves capable of ousting expression categorically from the protection of s. 2(b).**

The application judge erred in finding that the applicant's protest was violent and that his actions therefore did not come within the protection of s. 2(b). The applicant did not physically obstruct anyone or prevent anyone from entering the building. There was no reasonable basis for the employees' fear. Violence is not the mere absence of civility. **An observer's subjective feelings of disquiet, unease, or even fear are not in themselves capable of ousting expression categorically from the protection of s. 2(b).** Moreover, the protest did not take place in a location where s. 2(b) protection does not exist. The literal public square is paradigmatically the place for expression of public dissent. **The trespass notice had the effect of limiting the applicant's s. 2(b) rights.**

The limitation of the applicant's freedom of expression was not justified under [s. 1](#) of the [Charter](#). The respondent could not establish that it was acting for a sufficiently important purpose. Even if it were to succeed on that basis, it would nevertheless fail as its actions did not minimally impair the applicant's freedom of expression and there was no proportionality between the deleterious and salutary effects of the expulsion and trespass notice. [page162]

Mrs Jakki Jeffs

Executive Director

Alliance for Life Ontario

26, Norfolk Street,

Guelph, Ontario N1H 4H8

[aflo@mgl.ca](mailto:aflo@mgl.ca)

519 824-7797/1 866 LUV BOTH (588 2684)

[www.allianceforlife.org](http://www.allianceforlife.org)

[www.petitionofonemillion.ca](http://www.petitionofonemillion.ca)

[www.personhood.ca](http://www.personhood.ca)

[www.wewantthedebate.ca](http://www.wewantthedebate.ca)



March 17, 2022

London City Council  
300 Dufferin Avenue  
London ON  
N6B 1Z2

*Via Email*

**Re: Distribution of Graphic Flyers By-law**

Dear Councillors and Members of the Community and Protective Services Committee,

I write to you on behalf of Animal Justice – Canada’s leading national animal law organization – in response to the proposed Distribution of Graphic Flyers By-law coming before City Council on March 22, 2022.

We understand and appreciate the importance of regulating the distribution of graphic flyers, particularly those that go so far as to show unnecessarily disturbing images. However, we are concerned that the broad language used in the proposed by-law may unintentionally capture a wide range of imagery, including images depicting animals that are designed to educate the public and drive legal change. As such, we recommend refining the definition of “graphic image” to provide greater clarity on the scope of imagery that the by-law aims to capture and ensure that the by-law does not fall offside of the protections for freedom of expression guaranteed under section 2(b) of the *Canadian Charter of Rights and Freedoms*.

**“Graphic Image” Definition**

The proposed by-law defines “graphic image” as “a detailed pictorial image or series of images, containing potentially sensitive content that may cause or trigger a negative reaction to the health and wellbeing of any person at any scale. An example of a graphic image may include, but is not limited to, dismembered human beings or aborted fetuses.” Any person who “deposit[s] a flyer containing a graphic image at any property” is guilty of an offence under the by-law.

Exposing the harms caused by industries that use animals, such as puppy mills or factory farms, plays an important role in educating the public about the suffering that animals endure in a variety of settings, as well as building support for laws that offer greater protections against animal cruelty. As the proposed by-law currently stands, any imagery that negatively affects a person, no matter the scale, would be prohibited. This overly broad and vague definition is concerning because it may have the unintended effect of prohibiting the distribution of flyers containing sensitive images, regardless of scope. While we recognize the importance of regulating graphic imagery being distributed to residential homes, Animal Justice respectfully requests that the Committee ensures the scope of this by-law is narrowly tailored to avoid a blanket prohibition on the distribution of contentious flyers.

### **Violation of Section 2(b) of the *Canadian Charter of Rights and Freedoms***

The broad and vague language used to define “graphic image” also raises concerns under section 2(b) of the *Canadian Charter of Rights and Freedoms* – the right to freedom of expression. As several groups and individuals have pointed out in their comments concerning the proposed by-law, restricting the distribution of flyers will engage section 2(b) of the *Charter* since the bar for establishing a violation of freedom of expression is low. The issue then becomes whether the by-law can be justified under section 1 of the *Charter*. As the language of the by-law currently stands, the by-law would have difficulty passing the section 1 test since the definition of “graphic image” is too broad and vague, making the scope of the by-law difficult to discern. In order to ensure that the by-law is justified under section 1, the definition of “graphic image” and its purposes must be carefully crafted to reflect the specific harm that it aims to prohibit. This will ensure that it does not become so broad as to affect a variety of conduct with social value.

### **Alternative Definition to Consider**

Ideally, the definition of “graphic image” should refer explicitly to the harm at issue – the distribution of flyers containing images of aborted fetuses. A revised definition such as: “graphic image means a pictorial image or series of images containing, or purporting to contain, dismembered human beings or aborted fetuses” would eliminate concerns of overbreadth and vagueness, and strengthen the by-law to withstand a potential *Charter* challenge.

### **Conclusion**

We commend the Councillors who have already expressed concern over the definition of “graphic image” and hope that you consider refining it to better reflect the purpose of the by-law.

Thank you for your attention to this matter. Please do not hesitate to reach out if we can be of further assistance.

Sincerely,



Sarah Bowman  
Student-at-Law, Animal Justice  
sbowman@animaljustice.ca

**TO:** Mayor Ed Holder and London City Councillors

**FROM:** Deanna Ronson

**RE:** City Council Agenda, March 22, 2022, Item 6.4 (Program Regulating Distribution of Flyers By-law and Distribution of Graphic Flyers to Residential Properties By-law)

In September 2020 the City of London was bombarded with the home-delivery of flyers from the Centre for Bio-ethical Reform, containing graphic images of alleged aborted fetuses. At that time, I was serving as the Director of Pro-choice London and received countless messages and phone calls from individuals who had been traumatized by these images. Some victims were women who had suffered recent miscarriages and some were young children who had pulled the flyers from their mailbox.

We took immediate action and started an online petition calling on the City of London to introduce a by-law that would ban the delivery of flyers containing graphic images.

At the end of October 2020, I delivered a petition signed by 5k+ people (4k+ were from London and area) in support of a ban on graphic flyers. The petition was on the Community and Protective Services Committees Agenda for November 3, 2020 and was supported by a motion calling for a new by-law, put forth by Councillor Lewis, and signed by Councillors Hopkins, Kayabaga and Peloza.

I would like to extend my deepest gratitude to Councillors Lewis, Helmer, Hopkins, Peloza and former Councillor Kayabaga for their steadfast support over the last year and a half. Thank you also to all current and former members of the CPSC and City Staff for their reports to the CPSC.

We are finally closing in on achieving our goal.

Today (Tuesday), you will vote on whether or not to pass a by-law banning flyers with graphic images of aborted fetuses.

The issue at stake, **is the grievous harm that was perpetrated on thousands of residents of London when they received the graphic flyers from the CCBR.**

Some of you do not believe that the Municipality has the power to pass such a by-law. However, you absolutely do! (Please see my rebuttal to Councillor van Holst, #1 below.)

And, some of you are concerned that this by-law is indefensible. It absolutely is! (Please see my rebuttal to Councillor van Holst, #7 below.)

In regards to Mr. Honner's (lawyer to the CCBR) submission to Council, I agree with his first four paragraphs. This by-law will undoubtedly infringe upon the CCBR's freedom of expression.

I even agree with Mr. Honner that the wording of the by-law may be over-broad. That is an easy fix. A revised definition could read:

*"Graphic Image means a pictorial image or series of images containing or purporting to contain dismembered or aborted fetuses."*

This definition would be precise and remove any open-ended language.

Now, here is where I disagree with Mr. Honner. When it comes to justifying the limit on free expression under the Oakes test, the City will have no issue doing so. Council needs to add a "WHEREAS Clause" that specifically states that:

*"The Municipal Council received substantial evidence from Londoners that such unsolicited flyers cause demonstrable harm to London residents."*

That substantial evidence came in the form of a petition signed by over 4k London and area residents, countless letters/emails/phone calls to Councillors from their constituents and a Public Participation meeting before Council. All of this evidence is more than enough to withstand the *Oakes* test.

In regards to Councillor van Holst's submission to Council, I would like to clarify a few items that he discussed.

1. Councillor van Holst said that the flyer issue "*is not a municipal issue.*" That statement is incorrect.

According to the Municipal Act, 2001, S.O. 2001, c. 25, the law states that municipalities have "**broad authority**" to "*provide any service or thing that the municipality considers necessary or desirable for the public.*" The Act also states, that "*a single-tier municipality may pass by-laws respecting the following matters: . . . 6. Health, safety and well-being of persons. . . . 8. Protection of persons and property*" (<https://www.ontario.ca/laws/statute/>

01m25).

A City Staff Report delivered evidence of other cities passing similar (though not as specific) flyer by-laws. (<https://pub-london.escribemeetings.com/FileStream.ashx?DocumentId=85363>)

2. The Trespass to Property Act is NOT a remedy. It puts the onus on residents to send a letter of trespass notice to the CCBR and to add signage to their property. And, the remedy has NOT been honoured. Mr. Alleyne (Eastern Outreach Director, CCBR) may have publicly stated that they do not trespass, however, an informal poll by Pro-choice London found that at least 12 residents who had a "No Flyers" or "No Junk Mail" sign on their mailboxes **still received** flyers from the CCBR. That poll was taken from one neighbourhood only; I suspect if the entire city was polled the number would be much higher.

Plus, is it reasonable to expect that the thousands of residents who don't want these flyers will follow through on those instructions?

3. Yes, the CCBR's lawyers have stated publicly that they will challenge the by-law. They stated this before a by-law had even been passed. This is classic bullying behaviour. The CCBR is trying to bully Councillors into voting against this by-law because that's what they excel at . . . bullying people. Bullying women trying to enter abortion clinics, bullying women on street corners with their signs, etc.

4. Councillor van Holst states that "*the LTC has lost a similar lawsuit.*" This statement is incorrect.

The LTC did **NOT** lose a similar lawsuit. They settled out of court; that's a big difference.

The LTC rejected the authority of the Canadian Code of Advertising Standards and caved to the demands of anti-choice groups. "It appears the LTC didn't consider all the legal and Charter issues at stake. . . . The LTC's settlement with two anti-choice groups is legally binding and confidential" ( <https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1344/2022onsc1344.html>). When Joyce Arthur of the Abortion Rights Coalition and I asked the LTC why they settled instead of going to court the LTC refused to answer.

5. Councillor van Holst states that since "*no other municipality has taken this course, one might presume that their legal teams have advised against it.*"

This is an incorrect assumption. I have already spoken to a few Councillors about why this conclusion holds no weight.

**No other cities in Ontario have had the need to pass such a specific by-law**, because no other cities have received the grievous harm that has come to Londoners. Pretty much our **entire** city was blanketed by the flyers.

Toronto hasn't passed a specific by-law against flyers because 95% of their issue was the signage from the CCBR, not flyers.

6. I believe that taxpayers have been on the line for worse causes than this (eg. \$16 million spent on Dundas Place). Plus, I strongly believe that the City will win any legal challenge.

7. Yes, we will be accused of violating the constitution and "*interfering with freedom of expression.*" However, the proposed by-law is defensible under Section 1 and I believe that recent cases regarding religious-gathering restrictions will only help to bolster our position if the by-law is challenged.

On March 1, 2022, a ruling in the Ontario v Trinity Bible Chapel case, found that the health restrictions did indeed violate Section 2(a) of the Charter of Rights and Freedoms, but upheld that the attendance restrictions were reasonable under Section 1. ( <https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1344/2022onsc1344.html>)

In conclusion, the City of London has the authority to pass the proposed flyer by-law and the by-law is defensible under Section 1 of the Charter.

It is my hope that the Mayor and Members of Council will have the fortitude to stand up to these bullies (the CCBR) and pass the by-law.

Thank you all for your time and commitment to this important issue that impacts thousands of Londoners. It's been a long road and I am hopeful for a successful resolution at Council.

Sincerely,

Deanna Ronson  
Abortion Rights Coalition of Canada, Member  
Former Director of Pro-choice London  
Resident of London, Ontario

TO: Mayor Ed Holder and London City Councilors  
FROM: Samuel Trosow  
RE: City Council Agenda, March 22, 2022 (CPSC, Item 10, Distribution of Graphic Flyers)

I am writing to support the enactment of the by-law Regulating the Distribution of Graphic Flyers to Residential Properties that has been sent to you by the Community and Protective Services Committee (CPSC, 4<sup>th</sup> Report, Item 10 (4.3), March 1, 2022) coming before council on March 22, 2022.

This letter will be limited to two issues. First, the definition of “Graphic Images” in the by-law needs to be refined. And second, an additional finding regarding harm should be added to the recitals in the by-law.

### **Definition of “Graphic Images”**

While there was discussion at the March 1 CPSC meeting about refining the definition of “Graphic Images,” the Appendix C by-law in the staff report contained the following:

*“Graphic Image” means a detailed pictorial image or series of images, containing potentially sensitive content that may cause or trigger a negative reaction to the health and wellbeing of any person at any scale. An example of a graphic image may include, but is not limited to, dismembered human beings or aborted fetuses.*

I would suggest it be replaced with the following definition:

*“Graphic Image means a pictorial image or series of images containing, or purporting to contain, dismembered or aborted fetuses.”*

The revised definition removes the language “potentially sensitive content that may cause or trigger a negative reaction to the health and wellbeing of any person at any scale,” as well as the words “human beings.”

Council should strive to craft a definition that captures the prohibited material in issue here but does so as narrowly and explicitly as possible. As the prohibition on the distribution of graphic images in the proposed by-law is a burden on section 2(b), in order to satisfy the requirements of section 1, it needs to be narrowly tailored and it should not be overbroad or vague. I believe removing this language accomplishes that purpose. It removes issues that could arise about what is “potentially sensitive” and whether it “may cause...” a negative reaction. It also removes issues concerning the definition of “human beings” which can be very contested and highly charged.

It also removes the **open-ended** language (“An example”...*“may include, but is not limited to”*) and replaces it with a more precise and **closed** definition. Inclusive language is typically used when the intention is to broaden rather than limit a definition. But here, the definition should be limited as much as possible since the measure is prohibitory, and Charter sensitive at that.

I would also add words to the effect of “or purporting to ...” because there is some question about the authenticity of the images.

## **Addition of Finding Regarding Harm Reduction**

The CPSC held a public participation meeting where they heard numerous residents speak to the harm and distress caused by the unsolicited leaflets at their place of residence. This message had been previously conveyed to council from residents, but it was clearly articulated and amplified at this PPM. The resulting resolution contained the language:

*“The Municipal Council received substantial evidence from Londoners that such unsolicited flyers cause demonstrable harm to London residents.”*

This language should be directly included in the text of the by-law. It could be contained in an additional WHEREAS clause. Holding the PPM and following it with this legislative finding is a crucial step in the section 1 analysis because it goes directly to the city’s legitimate, harm-reduction based objectives in passing the measure.

## **Conclusion**

The proposed by-law satisfies the requirements of Section 1 of the Charter. The limitation on expression is based on addressing a legitimate objective concerning demonstrable harm reduction. This point is on very solid grounds given the PPM as well as the findings based on this evidence. The by-law is rationally related to its objective, and with refinements to the definition of prohibited graphic images is neither arbitrary, vague nor overbroad. Given the nature of the harm that results from the unsolicited distribution of these leaflets in persons homes, there are no effective, realistic and enforceable alternatives, and finally, the limitations on expression are proportionate to the pressing and legitimate objectives that have been identified. In short the measure is reasonable and in the words of Section 1 is demonstrably justifiable in a free and democratic society,

Thank you for your continued attention to this important issue. The London community is looking forward to the passage of this long-awaited and much needed measure at your March 22 meeting.

Samuel Trosow, Associate Professor  
University of Western Ontario  
Faculty of Law, Faculty of Information & Media Studies  
[strosow@uwo.ca](mailto:strosow@uwo.ca) 519 661-2111 x82282





March 21, 2022

## **Regulation of Graphic Flyers of Aborted Fetuses to Residences**

Dear Mayor and City Councillors of London:

May I please provide some information and recommendations to aid you during your Council meeting on Tue Mar 22, in relation to the agenda item for the bylaw to prohibit the graphic flyers?

This letter contains the following sections:

- Recommendation to pass the bylaw, with suggested amendments
- What about a legal challenge?
- Why have few cities passed bylaws against the flyers?
- The city has a robust Section 1 defence to infringe freedom of expression

### **Recommendation to pass bylaw, with suggested amendments**

The Abortion Rights Coalition of Canada (ARCC) recommends that the city enact the bylaw specifically banning the delivery of graphic flyers to residences as recommended by the CPSC, but with two suggested amendments to make it better withstand scrutiny under the *Charter of Rights and Freedoms*. This bylaw would have the most effective impact in terms of stopping the harms of graphic flyers, as it does not depend on residents being required to post a 'No Flyers' or similar notice, and the heavier fine of \$350 would more effectively deter people delivering the flyers.

**Amendment 1:** We recommend a narrower definition of graphic flyers, one that specifically bans *only* flyers depicting aborted fetuses, as this would be less likely to be found overbroad or disproportionate by the courts. Further, the term "human beings" should not be used in the definition, as fetuses are not human persons under Canadian law. Suggested new definition: *"Graphic Image means a pictorial image or series of images containing, or purporting to contain, dismembered or aborted fetuses."*

**Amendment 2:** We recommend that the city include another "Whereas" in the preamble that mentions the city's evidence for the harms of the graphic flyers, such as the complaints and letters received, the public petition, meeting submissions, etc. This would help strengthen a Charter Section 1 justification to limit freedom of expression. Suggested wording: *"The Municipal Council received substantial evidence from Londoners that such unsolicited flyers cause demonstrable harm to London residents."*

## Why have few cities passed bylaws against the flyers?

The city may be concerned that no other city has passed such a specific bylaw before, although four cities have bylaws against unwanted flyers in general. I would like to emphasize:

- London has been bombarded with the flyers in a much worse manner than any other municipality in Canada. This is because London is a university/college city and the Canadian Centre for Bio-Ethical Reform (CCBR) has been recruiting volunteers on both campuses.<sup>1</sup>
- Some cities, including Toronto, Ottawa, and Winnipeg, have experienced more street signage than graphic flyers, according to our records. For example, Toronto has largely been afflicted with graphic signage on streets,<sup>2</sup> which is why they are looking at amending their Temporary Signs bylaw rather than addressing the flyers (see [page 23 of their staff report](#)). Because of this focus, Toronto Council has neither considered nor rejected a flyer bylaw, apparently relying instead on the provincial Trespass Remedy.
- Local activists and groups including London Pro-Choice and the Viewer Discretion Legislation Coalition strongly mobilized to build up awareness of and opposition to the flyers over the last few years, including delivering a petition with over 4,000 signatures, encouraging complaints to the City, and countering the flyer deliveries in affected neighbourhoods. This is not the case for other cities, which generally have had fewer complaints and less local organized opposition. Cities may even use that as an excuse to not pass a bylaw – for example [Burnaby BC](#) claimed there was no evidence a bylaw was needed because it received only one “official complaint”, even though the flyers had generated much negative media coverage and many informal complaints.

## What about a legal challenge?

It’s true that enacting a specific bylaw against graphic flyers of aborted fetuses may invite a legal challenge. But I urge you to please not cave into extremist bullies. This would subject your citizens to this abusive graphic imagery for years to come with little recourse, and would set a bad example to the dozens of other cities across Canada that have also been suffering from the graphic imagery. Please see below for why a legal challenge – if it even occurs – would be defensible by the city.

Councillor Michael van Holst’s Mar 16 letter to colleagues (pg 117 of the [Agenda](#)) contains an error – the London Transit Commission did not lose a lawsuit. They settled out of court. In [ARCC’s opinion](#), the LTC failed to consider all the issues at stake, including other Charter rights and the city’s statutory objectives, thereby caving in unnecessarily. The settlement is detrimental to Londoners’ well-being, as it compels the LTC to accept false and demeaning anti-choice advertisements on the transit system.

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<sup>1</sup> ARCC keeps records on specific instances of graphic flyers being delivered across the country since about 2018. Our figures are **undercounts** as they are based only on reports from media, social media, and flyer recipients who contact us – but we believe they reflect an overall frequency pattern. For most municipalities that have experienced it, our records show between 1-3 days of flyer delivery in at least one neighbourhood. Cities more significantly affected by the graphic flyers include Burnaby BC and Calgary, with a recorded history of 8 and 7 days, respectively, of graphic flyer delivery in at least one neighbourhood. In comparison, we show 19 days of flyer delivery in London.

<sup>2</sup> ARCC’s record shows at least 50 days where incidents of graphic signage occurred in Toronto since 2018, usually in multiple locations on each day, and at least 3 days where flyers were delivered or distributed. Again, these figures are undercounts.

## The city has a robust Section 1 defence to infringe freedom of expression

The city would be on strong legal grounds in terms of the *Charter of Rights and Freedoms*, because cities need to consider a range of objectives and rights. While the bylaw would violate freedom of expression rights under Section 2(b) of the Charter, this can be saved under a Section 1 defence, which allows justifiable limits on rights to protect other competing rights and objectives.

This is the case here, as anti-choice groups have many other means of expressing their view and do not have to rely on graphic images. Further, courts prefer that a Section 1 restriction on freedom of expression be as limited as possible, so it is not overbroad or disproportionate to the point it might unnecessarily capture other kinds of expression. (That is why we suggest the bylaw's definition of graphic images be limited to aborted fetus imagery.)

Three key factors are outlined below that cities can weigh against the freedom of expression of those delivering the graphic flyers. These factors have been informed by legal advice ARCC has received as well as existing jurisprudence. (Please note that CCBR's lawyer Alan Honner failed to acknowledge any of these factors in his submission, pg 114-115 of the Agenda.)

1. **Existing case law supports some limits on freedom of expression:** Considerable case law supports justified limits to freedom of expression to protect the Charter rights of others, relying on the Doré case and/or the earlier Oakes case. In addition to several Supreme Court cases ([R. v. Keegstra](#) on hate speech, [R. v. Butler](#) on obscenity, and [R. v. Sharpe](#) on child pornography), the following provincial cases may be of interest to the city:
  - [R. v. Spratt](#) (2008 BCCA 340) allowed the infringement of anti-abortion protesters' freedom of expression around abortion clinics, in order to ensure the safety, privacy and dignity of women accessing abortion care.
  - [American Freedom Defence Initiative v. Edmonton](#) (2016 ABQB 555) upheld the city's removal of a prejudicial bus ad about honour killings of Muslim women, because the City's objective of providing a safe and welcoming transit system outweighed the limitation on freedom of expression caused by the refusal to run an offensive and discriminatory ad.
  - [Guelph and Area Right to Life v. City of Guelph](#) (2022 ONSC 43) granted a judicial application to an anti-choice group who sued over its bus ads being refused – however, the court did not require the City to post the ads, instead remitting the decision back to the City to reconsider and carry out a Charter balancing exercise. The court instructed the city to weigh the anti-choice group's freedom of expression against the city's statutory objectives and competing Charter rights, including gender equality rights as the intervenor ARCC had argued (Para 91).

Indeed, the graphic flyers being delivered by the CCBR can be seen to undermine gender equality rights, which are protected under Section 15 of the Charter. Not only do the flyers specifically cause harm and trauma to ciswomen and gender-diverse people who can get pregnant, they also target their legal rights and essential health needs, thereby seeking to challenge their Charter rights to equality, life, bodily autonomy, privacy, and conscience.

In Jakki Jeff's letter to Council (page 119-122 of the Agenda), none of Jeff's listed citations relate to Section 1 except [Bracken V Fort Eyrle Town 2017 ONCA 668](#). That case is readily

distinguishable from the present issue,<sup>3</sup> because the City of London’s bylaw has an important purpose, is proportionate and would only minimally impair free expression (if amended as suggested). Moreover, the bylaw relates to actions taking place on private property, not on public land as in the Fort Eyrie case. Second, Jeffs cites [Lethbridge and District Pro-Life Association v Lethbridge City 2020 ABQB 654](#), to support her freedom of expression argument for the graphic flyers, but fails to mention that the judge’s reasons for ruling against the City of Lethbridge’s decision to remove inaccurate anti-abortion ads from bus benches was because the city had not actually done a Charter balancing of rights exercise, and because the anti-abortion ads in question *were not graphic*.

Jeffs also claims that “None of us has a right not to be offended.” But in this case we do – the people delivering the flyers are intruding onto private property, and residents are a captive audience forced to see the unwanted expression.

2. **Courts respect Ad Standards decisions and advertising code:** As of 2022, eight court decisions have [endorsed cities’ use](#) of the *Canadian Code of Advertising Standards*, which is administered by Ad Standards on behalf of the advertising industry. It’s important to note that the graphic imagery of aborted fetuses – both in the form of flyers delivered to homes and signage on streets – has been deemed by Ad Standards to violate the Code:
- In three separate decisions in 2014, 2015, and 2017, Ad Standards Council ruled that graphic flyers depicting aborted fetuses contravened Clause 14 (d) of the Code: “Council concluded that by its use of highly graphic and disturbing images, the advertiser displayed obvious indifference to conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.” In all 3 cases, the flyers were delivered by and/or produced by the Canadian Centre for Bio-ethical Reform (CCBR).
  - In a 2009 decision, Ad Standards Council ruled that a large image of an aborted fetus on the side of a moving truck contravened Clauses 14(c) and (d) of the Code: “Council...concluded that the advertising using the image of an aborted embryo in this medium and in this way, displayed obvious indifference to conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population. Council also concluded that the imagery, when combined with the words ‘unmasking choice’, denigrated women who have chosen to have an abortion.” The truck with billboards was operated by the CCBR.

Courts have emphasized that the Advertising Code and Ad Standards decisions cannot be the *only* factor that cities rely on. But since courts have consistently supported cities’ use of the Code, this gives added authority to cities to prohibit the graphic flyers by taking into account the decisions and the Code as *one part* of a Charter balancing exercise.

3. **Municipalities have broad authority to protect public safety:** Local governments can pass bylaws to protect public safety and well-being, ensure a safe and welcoming transit system, and fulfill other statutory objectives on behalf of their communities. Such laws can even [overlap](#)

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<sup>3</sup> In the Fort Eyrie case, a resident who was angry about a town decision stood on public property in front of town hall yelling through a megaphone. The town issued a one-year trespass notice against him and had him arrested. But the court said he was not obstructing anyone or posing any harm, concluding: “The [town] could not establish that it was acting for a sufficiently important purpose. Even if it were to succeed on that basis, it would nevertheless fail as its actions did not minimally impair the applicant’s freedom of expression and there was no proportionality between the deleterious and salutary effects of the expulsion and trespass notice.”

[with provincial laws](#) or jurisdiction provided there is no conflict – i.e., it is not the case that municipalities cannot legislate in this area, as Councillor van Holst has claimed.

The [same court decisions](#) that support cities' use of the Advertising Code also recognize municipal authority in upholding their statutory objectives, and indeed, expect cities to include these in a Charter balancing exercise of competing rights.

In the case of the graphic flyers, the City of London has ample evidence of the harms to the community in the form of the petition and multiple complaints and submissions, including descriptions of emotional upset, rage, fear, and traumatic responses and aftereffects, which occurred amongst children, people who have had miscarriages or abortions, and others. CCBR's lawyer Alan Honner (pg 114-115 of the Agenda) claims the graphic images may only "*potentially* trigger a negative reaction," but the city's evidence shows this is demonstrably false.

As mentioned earlier, to strengthen a Charter Section 1 justification, I recommend that the city add a "Whereas" clause that recognizes the evidence of harms caused by the graphic flyers.

To conclude, ARCC asks the Mayor and Council to please pass the bylaw as recommended by the CPSC, along with our suggested amendments including to narrowly tailor it to graphic flyers of aborted fetuses. Please take into account the above factors and objectives that would justify the prohibition of these flyers under Section 1 of the Charter and make the bylaw defensible if challenged in court.

Thank you very much for this opportunity.



Joyce Arthur (she/her)  
Executive Director  
Abortion Rights Coalition of Canada (ARCC)  
[joyce@arcc-cdac.ca](mailto:joyce@arcc-cdac.ca)

# Corporate Services Committee

## Report

4th Meeting of the Corporate Services Committee  
February 28, 2022

PRESENT: Councillors S. Lewis (Chair), M. Cassidy, J. Morgan, M. Hamou,  
J. Fyfe-Millar, Mayor E. Holder

ALSO PRESENT: M. Ribera, B. Westlake-Power

Remote Attendance: Councillors: S. Hillier and E. Peloza; L.  
Livingstone, A. Barbon, B. Card, H. Chapman, I. Collins, S.  
Corman, M. Daley, J. Kovacs, D. MacRae, A. Rammeloo, J.  
Raycroft, M. Schulthess, S. Swance, B. Warner

The meeting is called to order at 12:00 PM; it being noted that  
the following members were in remote attendance: Mayor E.  
Holder, M. Cassidy, J. Morgan and Hamou.

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

Moved by: M. Hamou

Seconded by: M. Cassidy

That consent items 2.1 to 2.5 BE APPROVED.

Yeas: (5): S. Lewis, M. Cassidy, M. Hamou, J. Fyfe-Millar, and E. Holder

Absent: (1): J. Morgan

**Motion Passed (5 to 0)**

#### 2.1 2021 Statement of Remuneration and Expenses for Elected and Appointed Officials

Moved by: M. Hamou

Seconded by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance  
Supports the following actions be taken:

a) in accordance with Section 284 of the *Municipal Act, 2001*, the  
Statements of Remuneration and Expenses for Elected and Appointed  
Officials, as appended to the staff report dated February 28, 2022 as  
Appendix "A" and Appendix "B", BE RECEIVED for information;

b) in accordance with City Council resolution of March 2012, the annual  
report on the Mayor's Office's expenditures BE RECEIVED for  
information; and

c) in accordance with City Council Travel and Business Expenses Policy,  
the Statement of Travel Expenses for Senior Administration Officials, as  
appended to the staff report dated February 28, 2022 as Appendix "C" and  
"D", BE RECEIVED for information.

**Motion Passed**

2.2 Public Sector Salary Disclosure Act Report for Calendar Year 2021

Moved by: M. Hamou

Seconded by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, the staff report dated February 28, 2022 regarding Public Sector Salary Disclosure Act report for the calendar year 2021, BE RECEIVED for information.

**Motion Passed**

2.3 Request for Tender 2022-018 – Revenue from Lease of City-Owned Farmland

Moved by: M. Hamou

Seconded by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with the concurrence of the Manager of Purchasing and Supply, with respect to the City-owned lands as shown on Schedule A (Location Map) as appended to the staff report dated February 28, 2022:

a) the following actions be taken:

i) the bid submitted by Terradust Acres Ltd., for lease of farmlands at the tendered annual lease amount of Six Thousand Seven Hundred and Fifty Dollars \$ 6,750.00 for a three (3) year term on Land Package A; BE ACCEPTED, it being noted that this proponent submitted the highest offer and meets the City's terms, conditions and specifications included in the tender;

ii) the bid submitted by London Dairy Farms Ltd., for lease of farmlands at the tendered annual lease amount of Twenty Four Thousand Three Hundred and Fifty Four Dollars \$ 24,354.00 for a three (3) year term on Land Package B, BE ACCEPTED; it being noted that this proponent submitted the highest offer and meets the City's terms, conditions and specifications included in the tender;

iii) the bid submitted by Terradust Acres Ltd., for lease of farmlands at the tendered annual lease amount of Nineteen Thousand One Hundred and Eight Nine Dollars and Sixty Cents \$ 19,189.60 for a three (3) year term on Land Package C, BE ACCEPTED; it being noted that this proponent submitted the highest offer and meets the City's terms, conditions and specifications included in the tender;

iv) the bid submitted by Terradust Acres Ltd., for lease of farmlands at the tendered annual lease amount of Seven Thousand Four Hundred and Seventy Five Dollars \$ 7,475.00 for a three (3) year term on Land Package D, BE ACCEPTED; it being noted that this proponent submitted the highest offer and meets the City's terms, conditions and specifications included in the tender;

v) the bid submitted by 806433 Ontario Ltd., for lease of farmlands at the tendered annual lease amount of Two Hundred and Thirty Six Thousand and Thirty Four Dollars \$ 236,034.00 for a three (3) year term on Land Package E, BE ACCEPTED; it being noted that this proponent submitted the highest offer and meets the City's terms, conditions and specifications included in the tender;

vi) the bid submitted by 806433 Ontario Ltd., for lease of farmlands at the tendered annual lease amount of One Hundred and Eleven Thousand Nine Hundred and Seventy Two Dollars \$ 111,972.00 for a three (3) year term on Land Package F, BE ACCEPTED; it being noted that this proponent submitted the highest offer and meets the City's terms, conditions and specifications included in the tender;

vii) the bid submitted by Terradust Acres Ltd., for lease of farmlands at the tendered annual lease amount of Fifty One Thousand Four Hundred and Ten Dollars \$ 51,410.00 for a three (3) year term on Land Package G, BE ACCEPTED; it being noted that this proponent submitted the highest offer and meets the City's terms, conditions and specifications included in the tender;

viii) the bid submitted by Terradust Acres Ltd., for lease of farmlands at the tendered annual lease amount of One Thousand Four Hundred Dollars \$1,400.00 for a three (3) year term on Land Package H, BE ACCEPTED; it being noted that this proponent submitted the highest offer and meets the City's terms, conditions and specifications included in the tender;

ix) the bid submitted by 806433 Ontario Ltd., for lease of farmlands at the tendered annual lease amount of Fifty Six Thousand Nine Hundred and Ninety Dollars and Eighty Cents \$ 56,990.80 for a three (3) year term on Land Package I, BE ACCEPTED; it being noted that this proponent submitted the highest offer and meets the City's terms, conditions and specifications included in the tender;

x) the bid submitted by 806433 Ontario Ltd., for lease of farmlands at the tendered annual lease amount of Twenty Five Thousand Two Hundred and Seventy Dollars and Twenty Cents \$ 25,270.20 for a three (3) year term on Land Package J, BE ACCEPTED; it being noted that this proponent submitted the highest offer and meets the City's terms, conditions and specifications included in the tender;

b) the standard form of farm lease included in Tender 2022-018 as Appendix "A", as appended to the staff report, BE AUTHORIZED for execution with each individual proponent; and,

c) the proposed by-law, as appended to the staff report dated February 28, 2022, BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to accept the bids submitted for Tender No. 2022-018 and to authorize the Mayor and the City Clerk to execute the Farmland Lease Agreements.

#### **Motion Passed**

#### **2.4 Declare Surplus - City-Owned Property - Part of Cheapside Street, Adjacent 137 Clemens Street**

Moved by: M. Hamou

Seconded by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with respect to City-owned property legally described as Part Lot 475, Plan 490, as in 265802 London/London Township, located along Cheapside Street adjacent 137 Clemens Street, the following actions be taken:

a) the subject property BE DECLARED SURPLUS; and,



b) the subject property ("Surplus Lands") BE TRANSFERRED to the abutting property owner in accordance with the City's Sale and Other Disposition of Land Policy.

**Motion Passed**

2.5 License Renewal - Infrastructure Ontario (Hydro One Corridor)

Moved by: M. Hamou

Seconded by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with the concurrence of the Manager, Purchasing and Supply Operations, with respect to the to the property owned by Her Majesty the Queen in Right of Ontario, as represented by the Minister of Government and Consumer Services, described as Part of Lot 7, Concession C, City of London, Geographic Township of London, as shown on Appendix "A" (Location Map) as appended to the staff report dated February 28, 2022, the following actions be taken:

a) the Licence Renewal Agreement, attached as Schedule "A" to Appendix C, BE APPROVED, granting the City the use of a portion of the subject property for recreational purposes, for the sum of \$2.00, subject to the terms and conditions of the Licence Agreement, and

b) the proposed by-law, as appended to the staff report dated February 28, 2022 as Appendix "C", being "A by-law to approve and authorize the Mayor and City Clerk to execute the Licence Renewal Agreement", BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022.

**Motion Passed**

**3. Scheduled Items**

None.

**4. Items for Direction**

4.1 Election Sign By-law Update

Moved by: E. Holder

Seconded by: J. Fyfe-Millar

That, on the recommendation of the City Clerk, the attached revised proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to repeal By-law No. E-185-537, being the "Election Sign By-law" and to replace it with a new Election Sign By-law.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

Voting Record:

Moved by: S. Lewis

Seconded by: J. Fyfe-Millar

That section 4.5 (i) of the proposed by-law BE AMENDED to read:

“4.5(i) to be 100m between election signs of the same candidate, on the same side of the street.”

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

Moved by: M. Cassidy  
Seconded by: S. Lewis

That section 3.4 of the proposed by-law BE AMENDED to change 96 hours to 72 hours.

Yeas: (3): S. Lewis, M. Cassidy, and M. Hamou

Nays: (3): J. Morgan, J. Fyfe-Millar, and E. Holder

**Motion Failed (3 to 3)**

Moved by: M. Cassidy  
Seconded by: J. Morgan

That section 3.2 of the proposed by-law BE AMENDED in section 3.2 to read as follows:

"3.2 No person shall place of permit to be placed an Election Sign for a municipal election, except an Election Sign which is Placed on a Campaign Office or on the Property on which the Campaign Office sits provided the written consent of the owner of the Property is obtained and furnished to an Enforcement Officer upon demand, earlier than Nomination Day."

Yeas: (2): M. Cassidy, and J. Morgan

Nays: (4): S. Lewis, M. Hamou, J. Fyfe-Millar, and E. Holder

**Motion Failed (2 to 4)**

4.2 Application - Issuance of Proclamation - Sikh Heritage Month

Moved by: M. Hamou  
Seconded by: M. Cassidy

That based on the application dated February 7, 2022 from Guru Nanak Mission Society, London Ontario, April 1, 2022 to April 30, 2022 BE PROCLAIMED as Sikh Heritage Month.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

**5. Deferred Matters/Additional Business**

None.

**6. Confidential (Enclosed for Members only.)**

Moved by: M. Hamou  
Seconded by: J. Fyfe-Millar

That the Corporate Services Committee convene, In Closed Session, with respect to the following matters:

6.1 Land Acquisition / Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

6.2 Land Acquisition / Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

6.3 Confidential Trade Secret or Scientific, Technical, Commercial or Financial Information Belonging to the City

A matter pertaining to the security of the property of the municipality or board; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

The Corporate Services Committee convenes, In Closed Session, from 12:44 PM to 12:57 PM.

**7. Adjournment**

Moved by: J. Fyfe-Millar  
Seconded by: M. Hamou

That the meeting BE ADJOURNED.

**Motion Passed**

The meeting adjourned at 1:00 PM.

Bill No.

By-law No. E.-

A by-law to repeal By-law No. E.- 185-537 being the "Election Sign By-law", and to enact a new "Election Sign By-law".

WHEREAS subsection 5(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a by-law may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 6. Health, safety and well-being of persons; 7. Services and things that the municipality is authorized to provide under subsection (1); 8. Protection of persons and property, including consumer protection; 10. Structures, including fences and signs;

AND WHEREAS section 23.2 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the City Clerk, including without limitation the power to prescribe procedures for the retrieval and/or destruction of Election Signs removed under this by-law are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;

AND WHEREAS section 63 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

AND WHEREAS section 425 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, establishes that any person who contravenes any by-law of The Corporation of the City of London is guilty of an offence;

AND WHEREAS section 445 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

## 1. DEFINITIONS

1.1 In this By-law:

**“Billboard”** means an outdoor sign erected and maintained by a person responsible for a business, or corporation engaged in the sale or rental of the space on the billboard to a Candidate or Registered Third Party for the purposes of advertising, promoting, opposing, or taking a position with respect to

- (i) any Candidate or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*;
- (ii) an issue associated with a person or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*; or
- (iii) a question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*;

**“Boulevard”** means that portion of every Street which is not used as a Sidewalk, driveway access, travelled Roadway or shoulder;

**“Campaign Office”** means one building or structure, or part of one building or structure, used by a Candidate to conduct an election campaign;

**“Candidate”** means

(i) a Candidate within the meaning of the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996* as amended; and

(ii) shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law to the electors under section 8 of the *Municipal Elections Act, 1996* as amended;

**“City”** means The Corporation of the City of London;

**“City Clerk”** means the City Clerk of the City or a person delegated by them for the purpose of this By-law;

**“Crosswalk”** means

(i) that part of a Street at an intersection that is included within the connections of the lateral lines of the Sidewalks on opposite sides of the Street measured from the curbs, or in the absence of curbs from the edges of the Roadway; or

(ii) any portion of a Roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, school crossing signs (as per the Ontario Traffic Manual – Book 5 Regulatory Signs) or by lines or other markings on the surface thereof; and

(iii) shall include pedestrian crossovers;

**“Election Sign”** means any sign, including posters, promoting, opposing or taking a position with respect to:

(i) any Candidate or political party in an election under the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996*;

(ii) an issue associated with a person or political party in an election under the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996*; or

(iii) a question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996*;

For the purposes of clarification, “Election Sign” includes “Billboard Election Sign”

**“Electoral District”** means a geographic area represented by a Member of Municipal Council, Member of School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons.

**“Enforcement Officer”** means a Municipal Law Enforcement Officer appointed by the Municipal Council of the City;

**“Median Strip”** means the portion of a Street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement and includes a central island in a roundabout;

**“Nomination Day”** means the deadline to file a nomination with the City Clerk under the *Municipal Elections Act, 1996* as amended;

**“Owner”** means any person who is in control of the Election Sign; any person who benefits from the message on the Election Sign; or any person who has Placed or permitted to be Placed the Election Sign. For the purposes of this By-law there may be more than one Owner of an Election Sign;;

**“Park”** means land and land covered by water and all portions thereof under the control or management or joint management of the City, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally significant area as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land;

**“Place”** means attach, install, erect, build, construct, reconstruct, move, display or affix;

**“Property”** means property as defined by the Land Titles Act, 1990.

**“Public Property”** means property owned by or under the control of the City, including a Park, or any of its agencies, local boards, commissions or corporations but, for the purposes of this by-law, does not include a Street. Public Property shall be deemed to include public utilities facilities, and shall also be deemed to include, benches, municipal garbage containers or other structures located on a Street.

**“Registered Third Party”** means any individual, corporation or trade union registered in accordance with Section 88.6 of the Municipal Elections Act, 1996

**“Roadway”** means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes a shoulder;

**“Sidewalk”** means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, primarily intended for the use of pedestrians;

**“Sign Area”** means the area of one side of a sign where copy can be placed;

**“Sign Height”** means the vertical height of a sign from the lowest point of finished grade to the highest part of the sign;

**“Street”** means a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, viaduct, trestle or other public way under the jurisdiction of the City of London and this term includes all road works and appurtenant to municipal land;

**“Utility”** means water, sewer, artificial or natural gas, petrochemical, electrical power or energy, steam or hot/chilled water, and telecommunication networks, and includes the works, structures, buildings and appurtenances necessarily incidental to the supplying of such services;

**“Voting Place”** means a place where electors cast their ballots and:

(i) when a Voting Place is located on Public Property, includes any Street abutting; or

(ii) when a Voting Place is located on private property, includes any Street abutting.

**“Writ of Election”** means the date as defined in the Canada Elections Act and the Elections Act (Ontario).

## **2. GENERAL PROHIBITIONS**

2.1 No person shall Place or permit to be Placed an Election Sign except in accordance with this by-law.

2.2 No person shall Place or permit to be Placed an Election Sign without permission of the owner of the Property.

2.3 No person shall Place or permit to be Placed an Election Sign that:

(a) is illuminated;

(b) has a Sign Area of more than 6 square metres;

(c) interferes with the safe operation of vehicular traffic or the safety of pedestrians; or

(d) impedes or obstructs the City's maintenance operations; or

(e) does not identify who is responsible for the messaging.



2.4 Subsections 2.3 (a) and (b) do not apply to an Election Sign on a Campaign Office or a Billboard. Subsections 2.3 (a) and (b) do not apply to an Election Sign on the Property on which the Campaign Office sits provided the written consent of the owner of the Property is obtained and furnished to an Enforcement Officer upon demand.

2.5 No person shall Place or permit to be Placed an Election Sign on or in a Voting Place on any Advance Vote Day or Voting Day.

2.6 No person shall display on any Election Sign a logo, trademark or official mark, in whole or in part, owned or licensed by the City.

### **3. TIMING**

3.1 No person shall Place or permit to be Placed an Election Sign for a federal or provincial election or by-election earlier than the day the Writ of Election or by- election is issued.

3.2 No person shall Place or permit to be Placed an Election Sign for a municipal election, except an Election Sign which is Placed on a Campaign Office or on the Property on which the Campaign Office sits provided the written consent of the owner of the Property is obtained and furnished to an Enforcement Officer upon demand:

(a) earlier than one week prior to Nomination Day in the year of a regular election; or

(b) earlier than Nomination Day for a by-election.

3.3 No person shall Place or permit to be Placed an Election Sign for a municipal election on a Campaign Office earlier than the day that Candidate has filed their nomination with the City Clerk.

3.4 No Owner shall fail to remove their Election Sign after the expiry of 96 hours immediately following 11:59 p.m. of the day of the election.

### **4. ELECTION SIGNS ON PUBLIC PROPERTY**

4.1 No person shall Place or permit to be Placed an Election Sign on Public Property.

4.2 No person shall Place or permit to be Placed an Election Sign in a Park.

4.3 No person shall Place or permit to be Placed an Election Sign on a Street outside of the Electoral District where the Candidate is running for office.

4.4 Section 4.3 does not apply to an Election Sign within 50 metres of any Electoral District that is adjacent to the Electoral District where the Candidate is running for office.

4.5 No person shall Place or permit to be Placed an Election Sign:

- (a) in a Roadway;
- (b) within 3 metres of a Roadway;
- (c) between a Roadway and a Sidewalk;
- (d) that impedes or obstructs the passage of pedestrians on a Sidewalk;
- (e) in a Median Strip;
- (f) less than 3 metres from a Crosswalk;
- (g) on a tree, or a fence, or a wall, or a gate, or a utility pole located on Public Property or a Street;
- (h) in a Boulevard that abuts a Park;
- (i) on a Street within 100 metres of another Election Sign of the same Candidate on the same side of the street.

4.6 No person shall Place or permit to be Placed an Election Sign that has a Sign Height:

- (a) of more than 1.8 metres when Placed within 3 to 8 metres of the Roadway;
- (b) of more than 4 metres when Placed beyond 8 metres of the Roadway.

4.7 Notwithstanding subsection 4.6 (b), on Highbury Avenue from Hamilton Road to Wilton Grove Road and Veteran's Memorial Parkway from Clarke Road to Wilton Grove Road, no person shall Place or permit to be Placed an Election Sign within 10 metres from the Roadway..

4.8 No person shall injure or foul a Street or permit the injuring or fouling of a Street when Placing an Election Sign.

4.9 No person shall injure or foul public structures or permit the injuring or fouling of public structures on a Street when Placing an Election Sign.

4.10 No person shall injure or foul a Utility or permit the injuring or fouling of a Utility when Placing an Election Sign.

## **5. REMOVAL AND RETURN OF ELECTION SIGNS – POWERS OF THE CITY CLERK AND/OR ENFORCEMENT OFFICER**

5.1 The City Clerk and/or an Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.

5.2 The City Clerk and/or an Enforcement Officer may destroy any Election Signs which have been removed and not claimed and retrieved by the Candidate, persons, or Owner within the time period as prescribed by the City Clerk.

5.3 The City Clerk may make regulations under this by-law prescribing the rules and procedures for the removal, retrieval and destruction of Election Signs including, without limitation, the form of and any information required to be provided to the City Clerk and/or an Enforcement Officer to authorize the release of an Election Sign, dates on or by which an Election Sign may be retrieved or destroyed, and the manner in which notice may be given to an Owner relating to the retrieval and destruction of an Election Sign.

## **6. ADMINISTRATION**

6.1 The administration of this by-law is delegated to the City Clerk.

## **7. ENFORCEMENT**

7.1 This by-law may be enforced by the City Clerk or an Enforcement Officer.

## **8. OFFENCE AND PENALTY**

8.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

## **9. SHORT TITLE OF BY-LAW**

9.1 This by-law may be referred to as the "Election Sign By-law".

## **10. FORCE AND EFFECT**

10.1 By-law No. E.-185-537, being the "Election Sign By-law" and all amendments to such by-law are hereby repealed.

10.2 This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on

Mayor

Michael

Schulthess  
City Clerk

First Reading –  
Second Reading –  
Third Reading –

# Civic Works Committee

## Report

4th Meeting of the Civic Works Committee  
March 1, 2022

PRESENT: Councillors E. Pelozza (Chair), M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar, Mayor E. Holder

ALSO PRESENT: A. Pascual and M. Ribera

Remote Attendance: Councillors M. Hamou, S. Hillier, S. Lehman, and S. Lewis; D. MacRae, A. Rammeloo, K. Scherr, M. Somide, S. Stafford, J. Stanford, and B. Westlake-Power

The meeting was called to order at 12:00 PM with Councillor E. Pelozza in the Chair; it being noted that the following Members were in remote attendance: Mayor E. Holder, Councillors J. Helmer, M. van Holst, P. Van Meerbergen.

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

Moved by: E. Holder

Seconded by: P. Van Meerbergen

That Items 2.1, 2.2, 2.3, 2.4, 2.5, and 2.6 BE APPROVED.

Yeas: (6): E. Pelozza, M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

#### 2.1 1st Report of the Transportation Advisory Committee

Moved by: E. Holder

Seconded by: P. Van Meerbergen

That the 1st Report of the Transportation Advisory Committee, from its meeting held on January 25, 2022, BE RECEIVED.

**Motion Passed**

#### 2.2 2021 External Audit of London's Drinking Water Quality Management System and 2021 Management Review

Moved by: E. Holder

Seconded by: P. Van Meerbergen

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the staff report dated March 1, 2022, with respect to the 2021 External Audit of London's Drinking Water Quality Management System, and the subsequent 2021 Management Review, BE RECEIVED for information. (2022-E13)

**Motion Passed**

2.3 Mobility Master Plan Appointment of Consultant

Moved by: E. Holder

Seconded by: P. Van Meerbergen

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated March 1, 2022, related to the appointment of a Consultant for the Mobility Master Plan:

- a) IBI Group Professional Services (Canada) Inc. BE APPOINTED the Consulting Engineer to complete the Mobility Master Plan project per their submitted proposal, in the total amount of \$898,495.00, excluding HST, in accordance with Section 15.2 (e) of the City of London's Procurement of Goods and Services Policy;
- b) the financing for this project BE APPROVED as set out in the Sources of Financing as appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- d) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract with the consultant for the work; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2022-T05)

**Motion Passed**

2.4 Appointment of Consulting Engineer for the Hyde Park EA SWM Works – Assignment 'B' Detailed Design

Moved by: E. Holder

Seconded by: P. Van Meerbergen

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated March 1, 2022, related to the appointment of consulting services for the Hyde Park EA SWM Works - Assignment 'B' project:

- a) Ecosystems Recovery Inc. BE APPOINTED consulting engineers to complete the detailed design for the Hyde Park EA SWM Works - Assignment 'B' project in accordance with the estimate, on file, at an upset amount of \$172,419.50, including contingency, provisional items and allowances, excluding HST, in accordance with Section 15.2 (e) of the City of London's Procurement of Goods and Services Policy;
- b) the financing for this project BE APPROVED as set out in the Sources of Financing Report as appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- d) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2022-D03)

**Motion Passed**

2.5 Overflow and Bypass Reporting Provincial Funding - Terms and Conditions

Moved by: E. Holder

Seconded by: P. Van Meerbergen

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the attached revised by-law, as appended to the Added Agenda dated March 1, 2022, BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to accept the terms and conditions for funding under the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program between Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks and The Corporation of the City of London ("Agreement") and authorize the Mayor and the City Clerk to execute the Agreement and any future amending agreements. (2022-F11)

**Motion Passed**

2.6 Erosion and Sediment Controls: MECP Great Lakes Funding to Reduce Pollution from Construction Runoff through Citizen and Industry Engagement

Moved by: E. Holder

Seconded by: P. Van Meerbergen

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the proposed by-law, as appended to the staff report dated March 1, 2022, related to the Great Lakes Fund, BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to approve the Ontario Transfer Payment between Her Majesty the Queen in right of Ontario as represented by the Minister of Environment, Conservation and Parks and The Corporation of the City of London ("Agreement") and authorize the Mayor and the City Clerk to execute the Agreement and any future amending agreements.

**Motion Passed**

**3. Scheduled Items**

None.

**4. Items for Direction**

4.1 Active Transportation Fund

Moved by: M. van Holst

Seconded by: J. Fyfe-Millar

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the Civic Administration BE DIRECTED to submit the projects identified in the staff report dated March 1, 2022, to the Government of Canada's Active Transportation Fund;

it being noted that the communications from S. Levin, with respect to this matter, were received. (2022-T10)

Yeas: (6): E. Peloza, M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

**5. Deferred Matters/Additional Business**

Moved by: M. van Holst  
Seconded by: J. Fyfe-Millar

That Items 5.1 and 5.2 BE APPROVED.

Yeas: (6): E. Peloza, M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

**5.1 Deferred Matters List**

That the Civic Works Committee Deferred Matters List as at February 18, 2022, BE RECEIVED.

**Motion Passed**

**5.2 (ADDED) 3rd Report of the Cycling Advisory Committee**

That the following actions be taken with respect to the 3rd Report of the Cycling Advisory Committee, from its meeting held on February 16, 2022:

a) the following actions be taken with respect to the London's Draft Climate Emergency Action Plan (CEAP):

i) the Cycling Advisory Committee (CAC) Chair, J. Roberts, BE REQUESTED to draft a Letter of Support on behalf of CAC, to advise the Strategic Priorities and Policy Committee that CAC endorses the adoption and implementation of London's Draft Climate Emergency Action Plan (CEAP); and,

b) and clauses 1.1, 2.2, and 3.1 BE RECEIVED.

**Motion Passed**

**6. Adjournment**

Moved by: P. Van Meerbergen  
Seconded by: M. van Holst

That the meeting BE ADJOURNED.

**Motion Passed**

The meeting adjourned at 12:19 PM.



## Appendix “A”

Bill No.  
2022

By-law No.

A by-law to accept the terms and conditions for funding under the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program between Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks and The Corporation of the City of London (“Agreement”) and authorize the Mayor and City Clerk to execute the Agreement and any future amending agreements

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting, among other things: i) economic, social and environmental well-being of the municipality; and ii) financial management of the municipality;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Accepts the terms and conditions for funding under the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program between Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks and The Corporation of the City of London (“Agreement”) attached as Schedule “A” to this by-law is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute an Agreement substantially in the form of that authorized and approved under section 1 of this by-law.
3. The Deputy City Manager, Finance Supports or the Deputy City Manager, Environment and Infrastructure are hereby authorized to approve amending agreements to the Agreement provided it does not increase the indebtedness or liabilities of The Corporation of the City of London under the Agreement.
4. The Mayor and City Clerk are hereby authorized to execute any amending agreements approved by the Deputy City Manager, Finance Supports or the Deputy City Manager, Environment and Infrastructure under section 3 of this by-law.
5. The Deputy City Manager, Finance Supports, or their delegate, is hereby authorized to execute any financial reports required as a condition under the Agreement.

6. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022

Ed Holder  
Mayor

Michael Schultess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

## SCHEDULE “A”

### **Terms and Conditions for Municipalities of the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program (“Terms and Conditions”)**

As a condition of receiving the Funds from Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks (MECP) as described in the letter dated February 11, 2022 to the Corporation of the City of London (Municipality), which is incorporated into and forms part of this Schedule “A” the Municipality agrees to the following terms and conditions:

#### **Eligibility Criteria**

##### **Part 1 Funding**

The Municipality confirms that it meets the following eligibility criteria as of the date of signing of these Terms and Conditions:

- (1) The Municipality is a municipality within the Province of Ontario as defined in and governed by the *Municipal Act, 2001*.
- (2) The Municipality was one of the top 20 dischargers of combined sewer overflows by average combined sewer overflow volume per year based on federal data collected through the federal Wastewater System Effluent Regulation (WSER) from 2015-2019.

##### **Part 2 Funding**

The Municipality will be eligible for Part 2 funding when it provides MECP with the report due on June 30, 2022 as per the Reporting section below.

For clarity, eligible expenses utilizing funds from each funding Part may be incurred by the Municipality any time between the date the eligibility criteria for the Part was met and March 31, 2024.

The Municipality agrees to inform MECP forthwith if it no longer meets one or more of the eligibility criteria.

#### **Eligible Expenses:**

Expenses considered eligible under the Program as defined in the above-noted letter are limited to the following, provided they are incurred on or before March 31, 2024 for the monitoring and/or modelling and near real-time public reporting of sewage overflows and bypasses:

- Engineering and design work
- Purchasing of equipment/software (e.g., monitoring devices)
- Installation costs (e.g., monitoring equipment)
- Electrical/internet connections
- Associated capital costs (e.g., access point)
- Capital upgrading costs (e.g., improved monitoring devices/infrastructure)
- Signage associated with public reporting of sewage overflows and bypasses (e.g., to support social media – QR code)
- Other capital expenses related to the development and implementation of monitoring/modelling and public reporting of sewage overflows and bypasses

Expenses listed above are only considered eligible if they are capital in nature or able to be capitalized based on standard accounting principles. However, engineering, design, or other consultant costs cannot be the significant/sole expenditure. Funding must be used for equipment and construction. Engineering, design, or other consultant costs shall be incidental to that. Municipal staff time and staff costs are not an eligible expense under the Program.

Eligible expenses do not include any costs (including taxes) for which the Municipality has received, will receive, or is eligible to receive, a rebate, credit, or refund. Expenses

incurred prior to the date of the Municipality's execution of this Terms and Conditions are ineligible.

**Procurement:**

In acquiring equipment, services or other eligible items, the Municipality agrees to do so through a procurement process that promotes the best value for money.

**Reporting:**

The Municipality agrees to:

- 1) Provide MECP with reports on a quarterly basis on the amount of Funds spent on eligible expenses in accordance with these Terms and Conditions in a form specified by the MECP. The reporting due dates are as follows:
  - June 30, 2022
  - September 30, 2022
  - December 31, 2022
  - March 31, 2023
  - June 30, 2023
  - September 30, 2023
  - December 31, 2023
  - March 31, 2024
- 2) Provide MECP with receipts or other proof of payment to confirm the eligibility of the reported spending if requested by MECP.

**Audit:**

- 1) The Municipality agrees that MECP and its representatives may conduct an audit or investigation in respect of the expenditures reported by the Municipality.

The undersigned acknowledges that in providing his/her name on the applicable line below in electronic form will constitute a signature for the purposes of the *Electronic Commerce Act, 2000*, S.O. 2000, c. 17, as amended.

**The Corporation of the City of London**

per: \_\_\_\_\_  
Name: Ed Holder  
Title: Mayor

per: \_\_\_\_\_  
Name: Michael Schultess  
Title: Clerk

Date: \_\_\_\_\_

We have authority to bind the Municipality.

# Strategic Priorities and Policy Committee

## Report

5th Meeting of the Strategic Priorities and Policy Committee  
March 8, 2022

**PRESENT:** Councillors M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, S. Hillier

**ABSENT:** Mayor E. Holder (Chair)

**ALSO PRESENT:** M. Schulthess, J. Taylor, B. Westlake-Power

Remote Attendance: L. Livingstone, A. Barbon, B. Card, S. Corman, J. Davison, K. Dickins, A. Dunbar, M. Goldrup, S. Mathers, K. Murray, K. Scherr, J. Senese, C. Smith, A. Thompson, S. Thompson, J. Yanchula, P. Yeoman

The meeting is called to order at 4:01 PM; it being noted that Acting Mayor J. Morgan was in the Chair and the following members were in remote attendance: M. van Holst, M. Salih, J. Helmer, M. Cassidy, M. Hamou, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza and S. Hillier.

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

Moved by: E. Pelozza

Seconded by: M. van Holst

That Consent Items 2.1 to 2.4 BE APPROVED, excluding item 2.3.

Yeas: (14): M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Absent: (1): Mayor E. Holder

**Motion Passed (14 to 0)**

#### 2.1 2022 Assessment Growth Funding Allocation

Moved by: E. Pelozza

Seconded by: M. van Holst

That, on the recommendation of the Deputy City Manager, Finance Supports, the 2022 Assessment Growth Funding Allocation Report BE RECEIVED for information; it being noted that the Strategic Priorities and Policy Committee received a communication dated March 3, 2022 from C. Butler with respect to this matter.

**Motion Passed**

2.2 Access to City of London Funding for Social and Economic Recovery – London Community Recovery Network

Moved by: E. Pelosa  
Seconded by: M. van Holst

That, on the recommendation of the City Manager, the following actions be taken with respect to access to City of London funding for social and economic recovery – London Community Recovery Network:

- a) the proposed formal process for accessing community recovery funding, BE ENDORSED;
- b) the amount of \$100,000 over two years (2022-2023) from funding set aside by City Council to support social and economic recovery BE APPROVED for allocation to the Deputy City Manager, Planning and Economic Development to create the LCRN Readiness Fund in support of small-scale recovery efforts in the community; and,
- c) the report entitled Access to City of London Funding for Social and Economic Recovery – London Community Recovery Network BE RECEIVED.

**Motion Passed**

2.4 Resignation of C. Neville from the Hyde Park BIA Board of Management

Moved by: E. Pelosa  
Seconded by: M. van Holst

That the resignation of Curtis Neville, Giant Tiger, from the Hyde Park BIA Board of Management BE ACCEPTED.

**Motion Passed**

2.3 Core Area Action Plan 2021 Review

Moved by: M. van Holst  
Seconded by: A. Hopkins

That, on the recommendation of the Deputy City Manager, Environment & Infrastructure, the Deputy City Manager, Planning & Economic Development, and the Deputy City Manager, Social & Health Development, the following actions be taken:

- a) the staff report dated March 8, 2022 entitled “Core Area Action Plan 2021 Review”, including its appendices, BE RECEIVED;
- b) the changes to the status or end dates of the items included the Core Area Action Plan described in the report and summarized in Appendix "A": Core Area Action Plan Implementation Status Update, March 2022 BE APPROVED and used as the new basis for future progress reporting;
- c) the extension of the “Project Clean Slate” contract with Youth Opportunities Unlimited for a period from April 1, 2022 through December 31, 2022 BE APPROVED at a cost of \$146,760; it being noted that funding is available through the Efficiency, Effectiveness, and Economy (EEE) Reserve;
- d) the Core Area Action Plan Performance Measurement Plan contained in Appendix "G" to the report BE RECEIVED noting that it will become part

of the annual monitoring of the impacts of the Core Area Action Plan and associated report to Council;

e) the Core Area Action Plan Gap Analysis contained in Appendix "H" to the report BE RECEIVED; and,

f) staff BE DIRECTED to prepare an updated Core Area Action Plan expanding the current plan to the years 2024 to 2027 inclusive for the consideration of Council in 2023 in coordination with the next Multi-Year Budget and Strategic Plan development processes and based on the general methodology described in the report.

Yeas: (14): M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, J. Fyfe-Millar, and S. Hillier

Absent: (1): Mayor E. Holder

**Motion Passed (14 to 0)**

**3. Scheduled Items**

None.

**4. Items for Direction**

**4.1 Development Charge Area Rating Policy Review – Recommended Approach**

Moved by: S. Turner

Seconded by: M. Hamou

That the matter of the Development Charge Area Rating Policy Review – Recommended Approach, BE REFERRED back to the Civic Administration for further consideration, and research of options that would better recognize true cost discrepancies between new infrastructure costs inside and outside of the build area, including but not limited to stormwater management.

Yeas: (10): M. van Holst, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, A. Hopkins, S. Turner, E. Pelozo, and S. Hillier

Nays: (4): S. Lewis, S. Lehman, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): Mayor E. Holder

**Motion Passed (10 to 4)**

**4.2 Confirmation of Appointments to the Old East Village BIA**

Moved by: J. Helmer

Seconded by: J. Fyfe-Millar

That the following actions be taken with respect to the Old East Village BIA:

a) the resignations of Jamie Sinden, Love Alchemy Hair Salon, Ellie Cook, The Root Cellar and Heather Blackwell, Western Fair District BE ACCEPTED; and,

b) Kelli Gough, The Palace Theatre Arts Commons and Michelle Scott, Western Fair District BE APPOINTED for the term ending November 14, 2022.

Yeas: (14): M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Absent: (1): Mayor E. Holder

**Motion Passed (14 to 0)**

4.3 Including a Carbon Offset Strategy - Councillor M. van Holst

Moved by: A. Hopkins

Seconded by: J. Fyfe-Millar

That the communication from Councillor M. van Holst with respect to a carbon offset strategy BE RECEIVED.

Yeas: (14): M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Absent: (1): Mayor E. Holder

**Motion Passed (14 to 0)**

Additional votes:

Moved by: M. van Holst

Seconded by: S. Hillier

That the Civic Administration BE DIRECTED to include additional detailed calculations/information related to carbon offsets as an option for households in the draft Climate Emergency Action Plan, in order for inclusion in the public consultation of the Plan.

Yeas: (3): M. van Holst, P. Van Meerbergen, and S. Hillier

Nays: (11): S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozza, and J. Fyfe-Millar

Absent: (1): Mayor E. Holder

**Motion Failed (3 to 11)**

4.4 3rd Report of the Diversity, Inclusion and Anti-Oppression Advisory Committee

Moved by: A. Hopkins

Seconded by: M. Cassidy

That the following actions be taken with respect to the 3rd Report of the Diversity, Inclusion and Anti-Oppression Advisory Committee from its meeting held on February 17, 2022:

a) the Governance Working Group BE REQUESTED to consider continued membership or in the appointment process, the re-appointment of existing members to ensure the continuity of Advisory Committee membership; and,

b) clauses 1.1, 2.1, 2.2, 3.1, 4.1, 5.1, 5.2, 5.4, 6.1, 6.2, 6.3 and 7.1 BE RECEIVED for information.



Yeas: (13): M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Absent: (2): Mayor E. Holder, and M. Hamou

**Motion Passed (13 to 0)**

Additional votes:

Moved by: J. Fyfe-Millar

Seconded by: S. Lewis

That the Committee BE RECESSED at this time.

Yeas: (12): M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and J. Fyfe-Millar

Nays: (1): S. Hillier

Absent: (2): Mayor E. Holder, and M. Hamou

**Motion Passed (12 to 1)**

The Strategic Priorities and Policy Committee recessed from 6:34 PM to 6:54 PM.

## **5. Deferred Matters/Additional Business**

### **5.1 (ADDED) Palace Theatre Arts Commons Loan Forgiveness Business Case**

Moved by: J. Fyfe-Millar

Seconded by: J. Helmer

That the following actions be taken with respect to the Palace Theatre Arts Commons loan forgiveness:

a) the Civic Administration BE AUTHORIZED to further extend the deferral period, on Community Improvement Plan loan repayments, on an interest-free basis for a further period of 274 days, being April 2022 to December 2022, where the applicant has requested a further deferral in writing; it being noted that the Jan 2023 loan repayments will be cashed as planned; and,

b) the Business Case from the Palace Theatre Arts Commons BE APPROVED and the Civic Administration BE AUTHORIZED to forgive the remaining balance of the interest-free loan to the London Community Players, in the amount of \$78,749.83, with the previously allocated London Community Recovery Network (LCRN) funding as the source of financing;

it being noted that the Strategic Priorities and Policy Committee received a communication dated March 4, 2022 from K. Gough, Chair, Palace Theatre Arts Commons and a communication dated March 7, 2022 from Councillors J. Helmer and J. Fyfe-Millar with respect to this matter.

**Motion Passed**

Voting Record:

Moved by: J. Fyfe-Millar

Seconded by: J. Helmer

Motion to approve part a)

That the following actions be taken with respect to the Palace Theatre Arts Commons loan forgiveness:

a) the Civic Administration BE AUTHORIZED to further extend the deferral period, on Community Improvement Plan loan repayments, on an interest-free basis for a further period of 274 days, being April 2022 to December 2022, where the applicant has requested a further deferral in writing; it being noted that the Jan 2023 loan repayments will be cashed as planned; and,

Yeas: (12): M. van Holst, S. Lewis, J. Helmer, M. Cassidy, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, J. Fyfe-Millar, and S. Hillier

Absent: (3): Mayor E. Holder, M. Salih, and M. Hamou

**Motion Passed (12 to 0)**

Moved by: J. Fyfe-Millar

Seconded by: J. Helmer

Motion to approve part b)

b) the Business Case from the Palace Theatre Arts Commons BE APPROVED and the Civic Administration BE AUTHORIZED to forgive the remaining balance of the interest-free loan to the London Community Players, in the amount of \$78,749.83, with the previously allocated London Community Recovery Network (LCRN) funding as the source of financing;

it being noted that the Strategic Priorities and Policy Committee received a communication dated March 4, 2022 from K. Gough, Chair, Palace Theatre Arts Commons and a communication dated March 7, 2022 from Councillors J. Helmer and J. Fyfe-Millar with respect to this matter.

Yeas: (11): M. van Holst, S. Lewis, J. Helmer, M. Cassidy, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Peloza, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Absent: (3): Mayor E. Holder, M. Salih, and M. Hamou

**Motion Passed (11 to 1)**

**6. Confidential (Enclosed for Members only.)**

Moved by: S. Lehman

Seconded by: M. Cassidy

That the Strategic Priorities and Policy Committee convene, In Closed Session, with respect to the following matters:

**6.1. Labour Relations/Employee Negotiations**

A matter pertaining to labour relations and employee negotiations.

**6.2. Personal Matters/Identifiable Individual**

A matter pertaining to personal matters, including information regarding an identifiable individual, with respect to employment-related matters; advice or recommendations of officers and employees of the Corporation, including

communications necessary for that purpose and for the purpose of providing instructions and directions to officers and employees of the Corporation.

**Motion Passed**

The Corporate Services Committee convenes, In Closed Session, from 7:13 PM to 8:34 PM.

**7. Adjournment**

Moved by: S. Lehman

Seconded by: J. Fyfe-Millar

That the meeting BE ADJOURNED.

**Motion Passed**

The meeting adjourned at 8:35 PM.



# Development Charges Study: Area Rating Background Information

Council Added Agenda  
March 22, 2022



# What is the purpose of DC recovery?

## Development Charges = Cost recovery for growth infrastructure

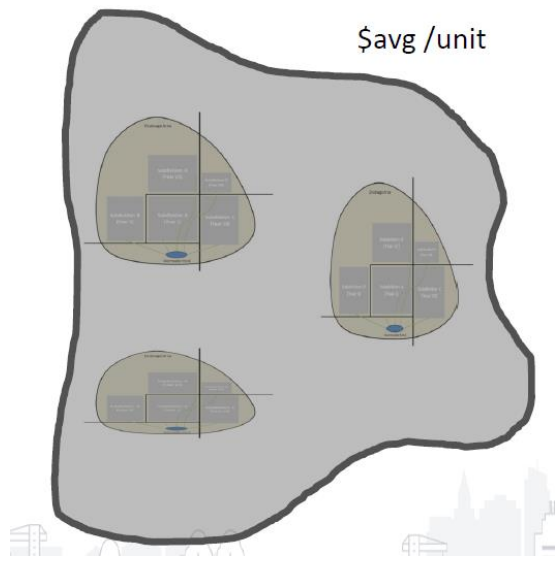
- DCs are a tool to:
  - generate funding necessary to pay for infrastructure required for new homes and businesses;
  - ensure that existing homeowners and business are not paying through taxes or water/sewer rates for growth infrastructure costs they are not benefitting from;
  - enable servicing to be provided for all growth areas city-wide and to provide an equal access to municipal servicing for all lands; and,
  - provide a plan for investment in services and infrastructure to facilitate growth at a pace that the municipality can afford.



# What rules govern DC collection?

- Development Charges collection must be compliant with the Development Charges Act and the Act requires a municipal by-law to stipulate the rules for the payment of DCs
- There are two important sections of the DC Act related to area rating:
  - *5 (6) 2. If the rules expressly identify a type of development they must not provide for the type of development to pay development charges that exceed the capital costs [...] that arise from the increase in the need for services attributable to the type of development. However, it is not necessary that the amount of the development charge for a particular development be limited to the increase in capital costs, if any, that are attributable to that particular development.*
  - *10 (2) (c.1) The development charge background study shall include an examination, for each service to which the development charge by-law would relate, of the long term capital and operating costs for capital infrastructure required for the service; [...] consideration of the use of more than one development charge by-law to reflect different needs for services in different areas.*
- DC By-laws are appealable to the Ontario Land Tribunal

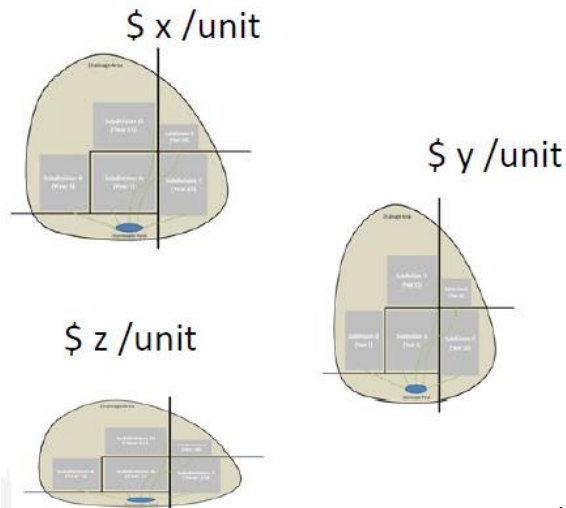
# What is Area Rating (in theory)?



< -- Average Rate Approach

- The “Average Rate Approach” takes growth costs from all areas of the city and divides the cost by city-wide growth to establish a rate that is charged equally for all areas.

Area Rate Approach -- >



- The “Area Rate Approach” looks at the infrastructure and costs for specific areas and establishes separate charges for each area based on their unique infrastructure costs.

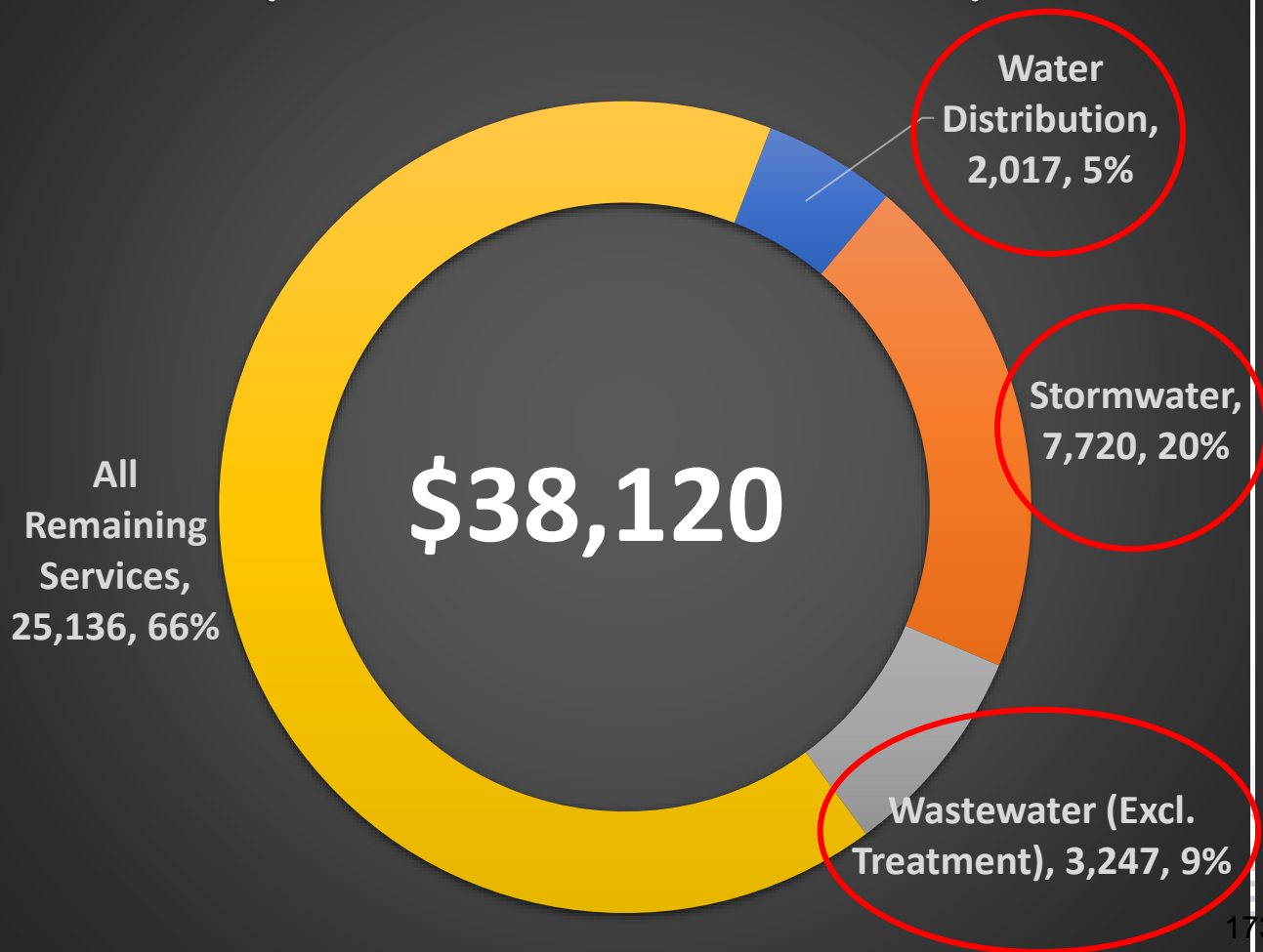
# How does London's existing area rating framework work?

- London uses area rating to have differing DCs for development outside of the Urban Growth Boundary (UGB) and development inside the UGB
- Outside of the UGB, new homes and businesses are not charged for wastewater, water or stormwater servicing as these services are not municipal and are provided by the individual property owner
- Inside the UGB, an average rate approach is used to calculate and charge DCs
  - All areas within the UGB require services and infrastructure to accommodate new development and everyone pays the same DC rate no matter where they are located
  - London's present approach is long-standing and defensible in the event of an appeal
  - Administration of an average rate approach is manageable and ensures that sufficient funding is available to make infrastructure investments, avoiding the need to borrow amongst reserve funds

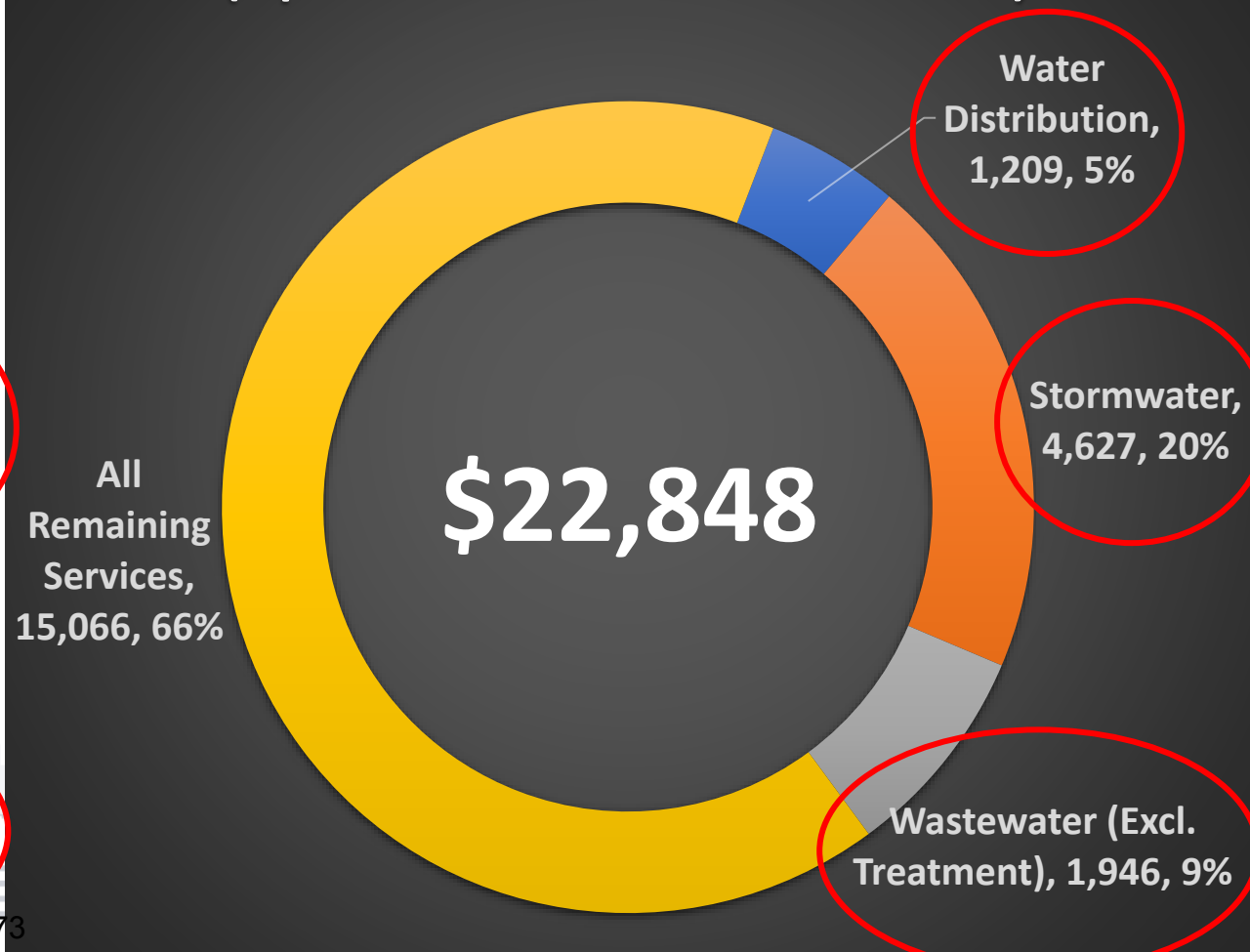


# How Much of the DC Rate Would Be Impacted by Area Rating?

## 2022 DC Rate Breakdown (Detached & Semi-detached)



## 2022 DC Rate Breakdown (Apart. Two or More Bedrooms)



# Hemson Area Rating Review

- Previous Council direction (2021) scoped the area rating review to the following services:
  - Water distribution
  - Wastewater collection (i.e., sanitary sewers)
  - Stormwater Management



# Hemson Area Rating Review

- To inform their review and recommendations, Hemson employed the following area rating options criteria:
  - Services for area rating consideration should be of sufficient geographic scale
  - There should be meaningful cost/rate differences between the service areas
  - Any additional administrative burden should be minimized



# Water Distribution: Good Fit for Area Rating?

- Water supply for the City of London only comes from two sources:
  - Elgin Area Primary Water Supply System – 21% of water supply
  - Lake Huron Primary Water Supply System – 79% of water supply
- Since there are only two sources feeding the entire City of London water supply, the linear piping system is highly interconnected
- Delineating benefitting areas is exceptionally difficult
  - Some municipalities have their water systems structured into distinct areas vs London's interconnected system (e.g., those that use water wells)



# Wastewater: Good Fit for Area Rating?

- Wastewater treatment capacity driven by overall population and employment
  - Increased population/employment results in increased capacity (1 for 1)
  - Not suitable for area rating (unless it involves a new plant and associated sewers)
- Pumping stations are designed to allow flexibility (swing stations) so that sanitary can be directed to multiple treatment plants
  - Linear infrastructure from multiple developments that feed into a pumping stations make it not feasible to clearly define a benefitting area
- Hemson Consulting conducted mapping of sanitary linear infrastructure and determined that many projects cross drainage boundary areas
  - Projects that cross drainage boundary areas create challenges for defining benefitting areas



# Stormwater: Good Fit for Area Rating?

- Stormwater ponds are designed to provide drainage to a defined area, but also provide system-wide quality and quantity benefits for the city as a whole
- Area rating based on minor stormwater catchment areas
  - Involves a large number of highly localized service areas with varying costs and benefits
  - Does not meeting guiding principle of service area being of sufficient geographical scale
- Area rating based on sub-watershed areas
  - Approach meets guiding principle of being sufficient geographical scale
  - While most projects fall within sub-watersheds, there are some projects that cross boundaries
- All areas of the city have storm sewer improvements required to accommodate growth
- Low Impact Development solutions are becoming the preferred stormwater management solution and are being installed in all geographic areas of the city

# What are the implications of changing your area rating approach?

- Most Ontario municipalities have the same approach to area rating presently used by the City of London
- Municipalities that choose a different approach to area rating generally do so because they identify new growth areas that require new services distinct from other geographic areas
- Servicing boundaries often do not match targeted growth areas and/or boundaries for other services (i.e., a sanitary sewer may have a different drainage area than the distribution area of a watermain)
- DCs are calculated at a high level and calculating servicing costs associated with individual parcels or small areas is difficult to accurately determine and model for cost recovery



# What are the implications of changing your area rating approach?

- Adopting area rating for locations beyond where services are not required (e.g., outside the UGB) involves the use of professional judgement that can be challenged and tested at the Ontario Land Tribunal
- Area rated DCs may only result in a total DC that is reduced by \$200-\$300 for the targeted area (1% - 2% of the apartment rate) – this may not be a strong draw for development location decisions
- Servicing needs and associated costs can shift over time as growth areas build out and other growth areas require increasing investment





# Planning and Environment Committee

## Report

5th Meeting of the Planning and Environment Committee  
February 28, 2022

PRESENT: Councillors A. Hopkins (Chair), S. Lewis, S. Lehman, S. Turner, S. Hillier

ABSENT: Mayor E. Holder

ALSO PRESENT: PRESENT: H. Lysynski and M. Ribera

REMOTE ATTENDANCE: Councillor J. Fyfe-Millar; L. Livingstone, G. Belch, J. Bunn, M. Corby, A. Curtis, M. Feldberg, K. Gonyou, M. Greguol, J. Hodgins, M. Johnson, J. Kelemen, P. Kokkoros, S. Mathers, L. Mottram, B. O'Hagan, M. Pease, B. Westlake-Power, M. Wu and P. Yeoman

The meeting was called to order at 4:01 PM, with Councillor A. Hopkins in the Chair, Councillors S. Lewis and S. Lehman present and all other members participating by remote attendance

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

Moved by: S. Lehman  
Seconded by: S. Hillier

That Items 2.1 to 2.9, inclusive and Item 3.4, BE APPROVED.

Yeas: (5): A. Hopkins, S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

#### 2.1 1284 and 1388 Sunningdale Road West (39T-04510-4)

Moved by: S. Lehman  
Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Foxhollow North Kent Developments Inc. and Claybar Developments Inc., for the subdivision of land over Part of Lot 23, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Sunningdale Road West, between Wonderland Road North and Hyde Park Road, and on the north side of the Heard Drain, municipally known as 1284 and 1388 Sunningdale Road West:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London, Foxhollow North Kent Developments Inc. and Claybar Developments Inc., for the Foxhollow North Kent Subdivision, Phase 4 (39T-04510\_4) appended to the staff report dated February 28, 2022 as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated February 28, 2022 as Appendix “B”; and,

c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2022-D09)

**Motion Passed**

2.2 Development Charge Claimable Works for Sunningdale Court Subdivision Phase 1 (39T-18501)

Moved by: S. Lehman  
Seconded by: S. Hillier

That, on the recommendation of the Deputy City Manager, Finance Supports, the Source of Financing appended to the staff report dated February 28, 2022 as Appendix ‘A’ BE APPROVED with respect to the subdivision agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd., for the Development Charge claimable works related to the Sunningdale Court Subdivision Phase 1. (2022-D04)

**Motion Passed**

2.3 472 Richmond Street - Heritage Alteration Permit (HAP22-003-L)

Moved by: S. Lehman  
Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for the alteration of the beaver fence, a heritage attribute of the heritage designated property at 472 Richmond Street, individually designated and located within the Downtown Heritage Conservation District, BE APPROVED as submitted and consistent with the Conservation Plan appended to the staff report dated February 28, 2022 as Appendix C;

it being noted that the Heritage Planner will be circulated on any submittals to assist in ensuring compliance with the Conservation Plan for the beaver fence. (2022-R01)

**Motion Passed**

2.4 516 Elizabeth Street - Heritage Alteration Permit (HAP22-006-L)

Moved by: S. Lehman  
Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for the removal and replacement of the windows on the heritage designated property at 516 Elizabeth Street, within the Old East Heritage Conservation District, BE PERMITTED with the following terms and conditions:

a) the installation of the proposed exterior grilles be installed in a manner that replicates the muntins of the former wood windows;

- b) the windows and exterior grilles be painted to match the existing trim work on the building;
- c) the installation of the proposed exterior grilles be completed within six months of Municipal Council's decision on this Heritage Alteration Permit; and,
- d) the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed. (2022-R01)

**Motion Passed**

- 2.5 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street (H-9462)

Moved by: S. Lehman  
 Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, based on the application by SoHo Vision Alliance, relating to the property located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street, the proposed by-law appended to the staff report dated February 28, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R4 Special Provision and R8 Special Provision (h\*h-5\*R4-6(13)/R8-4(59), h\*h-5\*R8-4(56), h\*h-5\*R8-4(57), h\*h-5\*R8-4(58)) Zone TO a Residential R4 Special Provision and R8 Special Provision (R4-6(13)/R8-4(59), R8-4(56), R8-4(57), and R8-4(58)) Zone to remove the "h" and "h-5" holding provisions. (2022-D09)

**Motion Passed**

- 2.6 1738, 1742, 1752 and 1754 Hamilton Road (H-9466)

Moved by: S. Lehman  
 Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, based on the application by Baker Planning Group, relating to lands located at 1738, 1742, 1752 and 1754 Hamilton Road, the proposed by-law appended to the staff report dated February 28, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 (h•h-100•R1-3) Zone, a Holding Residential R1 Special Provision (h•h-100•R1-3(19)) Zone, a Holding Residential R1 Special Provision (h•h-100•R1-3(20)) Zone, a Holding Residential R4 Special Provision (h•h-100•R4-6(9)) Zone, and a Holding Residential R6 Special Provision (h•h-100•R6-5(55)) Zone TO a Residential R1 (R1-3) Zone, a Residential R1 Special Provision (R1-3(19)) Zone, a Residential R1 Special Provision (R1-3(20)) Zone, a Residential R4 Special Provision (R4-6(9)) Zone, and a Residential R6 Special Provision (R6-5(55)) Zone to remove the h and h-100 holding provisions. (2022-D09)

**Motion Passed**

2.7 695 and 585 Sovereign Road (H-9467)

Moved by: S. Lehman  
Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Southwest Sun Property Corporation, relating to the property located at 695 and 585 Sovereign Road:

- a) the proposed by-law appended to the staff report dated February 28, 2022 as Appendix "A", BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to deem Lot 19-1 and Lot 28-1, Registered Plan No. M21, City of London, County of Middlesex, not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*,
- b) the City Clerk BE DIRECTED to provide notice of the by-law passing and undertake registration of the Deeming By-law, in accordance with the provisions in subsections 50(28) and 50(29) of the *Planning Act*; and,
- c) the applicant BE REQUIRED to pay for any costs incurred to register the deeming by-law at the Land Registry Office. (2022-D09)

**Motion Passed**

2.8 34 Princeton Terrace - Limiting Distance (No-Build) Agreement

Moved by: S. Lehman  
Seconded by: S. Hillier

That, on the recommendation of the Director, Building and Chief Building Official, the following actions be taken with respect to a Limiting Distance (no-build) Agreement between The Corporation of the City of London and Chantal McQueen and Paul McQueen, for the property located at 34 Princeton Terrace, London, Ontario:

- a) the proposed Limiting Distance Agreement appended to the staff report dated February 28, 2022 for the property at 34 Princeton Terrace between The Corporation of the City of London and Chantal McQueen and Paul McQueen BE APPROVED; and,
- b) the proposed by-law appended to the staff report dated February 28, 2022 BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to approve the Limiting Distance Agreement between The Corporation of the City of London and Chantal McQueen and Paul McQueen for the property at 34 Princeton Terrace, and to delegate authority to the Deputy City Manager, Environment and Infrastructure to execute the agreement on behalf of the City of London as the adjacent property owner. (2022-D09)

**Motion Passed**

2.9 Building Division Monthly Report - January, 2022

Moved by: S. Lehman  
Seconded by: S. Hillier

That the Building Division Monthly report for January, 2022 BE RECEIVED for information. (2022-A23)

**Motion Passed**

### 3. Scheduled Items

#### 3.1 493 Springbank Drive - Demolition Request

Moved by: S. Lewis  
Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Economic Development, with the advice of the Heritage Planner, with respect to the demolition request for the former gate house and maintenance garage on the heritage listed property at 493 Springbank Drive, the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the former gate house and maintenance garage on the property; it being noted that the property located at 493 Springbank Drive should remain on the Register of Cultural Heritage Resources as it is believed to be of cultural heritage value or interest;

it being further noted that no individuals spoke at the public participation meeting associated with this matter. (2022-R01)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: S. Hillier  
Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Moved by: S. Hillier  
Seconded by: S. Lewis

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

#### 3.2 2631 Hyde Park Road / 1521 Sunningdale Road West - Request to Remove Property from the Register of Cultural Heritage Resources

Moved by: S. Lehman  
Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, that the property located at 2361 Hyde Park Road/1521 Sunningdale Road West BE REMOVED from the Register of Cultural Heritage Resources;

it being noted that the Planning and Environment Committee received the staff presentation with respect to this matter;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- A. Jomaa, no address provided; and,
- M. Moussa, 155 Thornton Avenue. (2022-R01)

Yeas: (3): S. Lewis, S. Lehman, and S. Hillier

Nays: (2): A. Hopkins , and S. Turner

Absent: (1): E. Holder

**Motion Passed (3 to 2)**

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

### 3.3 655 - 685 Fanshawe Park Road West (Z-9396)

Moved by: S. Turner

Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, based on the application by SAB Realty Limited, relating to the property located at 655-685 Fanshawe Park Road West, the proposed by-law appended to the staff report dated February 28, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to amend Zoning By-law No. Z.-1, (in conformity with The London Plan, 2016 and the 1989 Official Plan), to change the zoning of the subject property FROM a Restricted Service Commercial Special Provision (RSC1(21)/RSC4(19)) Zone TO a Neighbourhood Shopping Area Special Provision (NSA5(\_)) Zone;

it being pointed out that the following individual made verbal presentations at the public participation meeting held in conjunction with this matter:

- B. McCauley, Zelinka Priamo Ltd.;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Shopping Area Place Type;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Neighbourhood Commercial Node (NCN) designation; and,
- the recommended amendment provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to effectively utilize the existing buildings. (2022-D09)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Hillier

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Moved by: S. Turner

Seconded by: S. Lehman

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

#### 3.4 3rd Report of the Environmental and Ecological Advisory Committee

Moved by: S. Lehman

Seconded by: S. Hillier

That Items 2.1 to 2.9, inclusive and Item 3.4, BE APPROVED.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

That, the following actions be taken with respect to the 3rd Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on February 17, 2022:

- a) the Adelaide Wastewater Treatment Plant Working Group comments BE FORWARDED to the Civic Administration for consideration; it being noted that the Environmental and Ecological Planning Advisory

Committee heard a verbal presentation from M. McKillop, Environmental Services Engineer and P. De Carvalho, Restoration Specialist and S. Braun, Water Resource Engineer, Matrix Solutions Inc., with respect to the Adelaide Wastewater Treatment Plant Climate Change Resiliency Class Environmental Assessment;

b) the Greenway Wastewater Treatment Plant Working Group comments BE FORWARDED to the Civic Administration for consideration; it being noted that the Environmental and Ecological Planning Advisory Committee heard a verbal presentation from M. McKillop, Environmental Services Engineer and P. De Carvalho, Restoration Specialist and S. Braun, Water Resource Engineer, Matrix Solutions Inc., with respect to the Greenway Wastewater Treatment Plant Climate Change Resiliency Class Environmental Assessment;

c) the Working Group report relating to the Oxford Street West/ Gideon Drive Intersection Improvements Environmental Assessment BE REFERRED to the Civic Administration for consideration; it being noted that additional comments may be provided to the Civic Administration by the Working Group;

d) the Working Group report relating to the Windermere Road Improvements Municipal Class Environmental Assessment - Environmental Impact Study BE REFERRED to the Civic Administration for consideration; and,

e) clauses 1.1, 2.3, 2.4, 3.1 and 3.2, BE RECEIVED for information.

#### **4. Items for Direction**

##### **4.1 2nd Report of the London Advisory Committee on Heritage**

Moved by: S. Lewis

Seconded by: S. Lehman

That, the following actions be taken with respect to the 2nd Report of the London Advisory Committee on Heritage, from its meeting held on February 9, 2022:

a) on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for the alteration of the beaver fence, a heritage attribute of the heritage designated property located at 472 Richmond Street, individually designated and located within the Downtown Heritage Conservation District, BE APPROVED as submitted and consistent with the Conservation Plan appended to the staff report dated February 9, 2022;

it being noted that the Heritage Planner will be circulated on any submittals to assist in ensuring compliance with the Conservation Plan for the beaver fence;

b) M. Johnson, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) does not object to the conclusions and recommendations of the Heritage Impact Assessment (HIS), dated September 27, 2021, from Zelinka Priamo Ltd., with respect to the McCormick's Biscuit Company located at 1156 Dundas Street; it being noted that the proponent is encouraged to attend a meeting of the LACH early in the site design process to ensure meaningful consultation on the adaptive reuse of the former McCormick Biscuit Factory structure; it being further noted that the Notice of Planning Application, dated December 17, 2021, from M. Johnson, Senior Planner, with respect to a Notice of Planning Application related to a Draft Plan of Subdivision for the



property located at 1156 Dundas Street, and the above-noted HIS, were received;

c) the matter of updating City of London Public Meeting Notices and Notices of Planning Applications to include heritage notifications BE REFERRED to the Civic Administration for consideration; it being noted that the Planning and Policy Sub-Committee reviewed the Planning Act (O.Reg. 543/06 (15)) requirements for planning notices, as well as a number of sample notices from other jurisdictions, and identified the following:

- while not explicitly required in the Planning Act, the Sub-Committee believes the identification of designated heritage status on applicable notices would benefit the City's overall engagement and communications strategy and this would give the public important information on planning applications and would allow more meaningful and informed public participation;
- the Sub-Committee understands that the Civic Administration may have an existing template used for planning notices, but would like to encourage consideration of including designated heritage status on notices during the next review of this template;
- the Sub-Committee recommends, for simplicity, identifying heritage designated status (e.g. Part IV or Part V designations and associated Heritage Conservation District) and not properties listed on the City's heritage register although additional criteria may also be considered; and,
- the Sub-Committee notes that the Planning Act requirements are minimums, and the City can choose to go above and beyond on notice requirements; it being noted that this is consistent with London Plan Policies 1615-16 which emphasize the importance of meaningful dialogue, and empowering residents to participate in the planning process;

it being further noted that the Planning and Policy Sub-Committee Report, from its meeting held on January 27, 2022, was received;

d) on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for the removal and replacement of the windows on the heritage designated property located at 516 Elizabeth Street, within the Old East Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the installation of the proposed exterior grilles be installed in a manner that replicates the muntins of the former wood windows;
- the windows and exterior grilles be painted to match the existing trim work on the building;
- the installation of the proposed exterior grilles be completed within six months of Municipal Council's decision on this Heritage Alteration Permit; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

e) on the recommendation of the Director, Planning and Economic Development, with the advice of the Heritage Planner, with respect to the demolition request for the former gate house and maintenance garage located on the heritage listed property at 493 Springbank Drive, the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the former gate house and maintenance garage on the property; it being noted that the property located at 493 Springbank Drive should remain on the Register of Cultural Heritage Resources as it is believed to be of cultural heritage value or interest;

f) on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the property located at 2361 Hyde Park Road/1521 Sunningdale Road West BE REMOVED from the Register of Cultural Heritage Resources; and,

g) clauses 1.1, 2.2, 3.1 to 3.5, inclusive, 3.7 to 3.9, inclusive, 4.1, 5.3 and 5.5 BE RECEIVED for information.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

**5. Deferred Matters/Additional Business**

None.

**6. Adjournment**

The meeting adjourned at 4:50 PM

# Planning and Environment Committee

## Report

6th Meeting of the Planning and Environment Committee  
March 7, 2022

PRESENT: Councillors A. Hopkins (Chair), S. Lewis, S. Lehman, S. Turner, S. Hillier

ABSENT: Mayor E. Holder

ALSO PRESENT: PRESENT: Councillor J. Fyfe-Millar; H. Lysynski and J.W. Taylor

REMOTE ATTENDANCE: Councillors M. van Holst and M. Hamou; L. Livingstone, J. Adema, G. Barrett, J. Bunn, M. Butlin, M. Corby, A. Curtis, I. de Ceuster, B. Debbert, K. Edwards, M. Feldberg, P. Kokkoros, S. Mathers, H. McNeely, B. O'Hagan, B. Page, A. Pascual, M. Pease, A. Rammeloo, A. Riley, K. Scherr, M. Schulthess, J.-A. Spence, S. Stafford, M. Vivian and B. Westlake-Power

The meeting was called to order at 4:30 PM, with Councillor A. Hopkins in the Chair, Councillors S. Lewis and S. Lehman present and all other members participating by remote attendance.

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

Moved by: S. Lewis  
Seconded by: S. Hillier

That Items 2.1 to 2.6, inclusive, BE APPROVED.

Yeas: (5): A. Hopkins, S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

#### 2.1 3rd Report of the Trees and Forests Advisory Committee

Moved by: S. Lewis  
Seconded by: S. Hillier

That the 3rd Report of the Trees and Forests Advisory Committee, from its meeting held on February 23, 2022, BE RECEIVED for information.

**Motion Passed**

#### 2.2 Draft Victoria Park Secondary Plan (O-8978)

Moved by: S. Lewis  
Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the draft Victoria Park Secondary Plan:

- a) the draft Victoria Park Secondary Plan, appended to the staff report dated March 7, 2022 as Appendix "A" BE RECEIVED for information; and,
- b) the draft Victoria Park Secondary Plan BE CIRCULATED for public comment;

it being noted that feedback received will inform a revised Secondary Plan and implementing Official Plan Amendment that will be prepared for the consideration and approval of Municipal Council at a future public participation meeting of the Planning and Environment Committee;

it being further noted that the Planning and Environment Committee received a staff presentation with respect to these matters. (2022-D09/R01)

**Motion Passed**

### 2.3 2022 LDD Moth Proposed Management Plan

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Deputy City Manager, Environment & Infrastructure, the 2022 Lymantria dispar dispar (LDD) Moth\* proposed management plan BE RECEIVED for information and the following actions be taken with respect to the provision of LDD aerial spraying services:

- a) the single source estimated price of 100,000 plus HST, pending further negotiation submitted by Zimmer Air Services Inc. to provide an aerial spraying service to control the spread of the LDD moth in select locations as outlined in the report below, BE ACCEPTED;
- b) the financing for the project BE APPROVED within existing budgets;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this purchase; and,
- d) approval hereby given BE CONDITIONAL upon the Corporation entering a formal contract or having a purchase order, or contract record relating to the subject matter of this approval. (2022-D05)

**Motion Passed**

### 2.4 1985 Gore Road (H-9467)

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, based on the application by Dancor Oxford Inc., relating to the property located at 1985 Gore Road, the proposed by-law appended to the staff report dated March 7, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Light Industrial LI2 and General Industrial GI1 (h\*LI2/GI1) Zone TO a Light Industrial LI2 and General Industrial GI1 (LI2/GI1) Zone to remove the "h" holding provision. (2022-D09)

**Motion Passed**

2.5 3024, 3001, 2970 and 2954 Turner Crescent (H-9464)

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Greengate Village Limited, to exempt Blocks 50, 51, 52 and 53 of Registered Plan 33M-790 from Part-Lot Control:

- a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the Planning and Environment Committee Added Agenda BE INTRODUCED at a future Council meeting to exempt Blocks 50, 51, 52 and 53, Plan 33M-790 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*; it being noted that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(3) R4-5(4)) in Zoning By-law No. Z.-1, which permits street townhouses, with special provisions regulating lot frontage, garage front yard depth, exterior side yard depth, and interior side yard depth;
- b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Blocks 50, 51, 52 and 53, Plan 33M-790 as noted in clause a) above:
  - i) the Applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
  - ii) the Applicant submit a draft reference plan to Planning and Development for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
  - iii) the Applicant submits to Planning and Development a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
  - iv) the Applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
  - v) the Applicant submit to the City for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
  - vi) the Applicant shall enter into any amending subdivision agreement with the City, if necessary;
  - vii) the Applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
  - viii) the Applicant shall obtain confirmation from Planning and Development that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
  - ix) the Applicant shall obtain approval from Planning and Development for each reference plan to be registered prior to the reference plan being registered in the land registry office;
  - x) the Applicant shall submit to the City confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

- xi) the Applicant shall obtain clearance from the City that requirements d), e) and f) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Division for lots being developed in any future reference plan;
- xii) that not more than four (4) reference plans be approved to be registered as part of this application and that Greengate Village limited advise the City of the registration of each reference plan; and,
- xiii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question. (2022-D25)

**Motion Passed**

2.6 3161 and 3138 Turner Crescent (H-9463)

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Greengate Village Limited to exempt Blocks 48 and 49 of Registered Plan 33M-790 from Part-Lot Control:

- a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law as appended to the Planning and Environment Committee Added Agenda, BE INTRODUCED at a future Council meeting to exempt Blocks 48 and 49, Plan 33M-790 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*; it being noted that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(3) R4-5(4)) in Zoning By-law No. Z.-1, which permits street townhouses, with special provisions regulating lot frontage, garage front yard depth, exterior side yard depth, and interior side yard depth;
- b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Blocks 48 and 49, Plan 33M-790 as noted in clause a) above:
  - i) the Applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
  - ii) the Applicant submit a draft reference plan to Planning and Development for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
  - iii) the Applicant submits to Planning and Development a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
  - iv) the Applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
  - v) the Applicant submit to the City for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
  - vi) the Applicant shall enter into any amending subdivision agreement with the City, if necessary;

- vii) the Applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii) the Applicant shall obtain confirmation from Planning and Development that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix) the Applicant shall obtain approval from Planning and Development for each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x) the Applicant shall submit to the City confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi) the Applicant shall obtain clearance from the City that requirements d), e) and f) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Division for lots being developed in any future reference plan;
- xii) that not more than two (2) reference plans be approved to be registered as part of this application and that Greengate Village limited advise the City of the registration of each reference plan; and,
- xiii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question. (2022-D25)

**Motion Passed**

### **3. Scheduled Items**

#### **3.1 3425 Grand Oak Crossing (39CD-21520)**

Moved by: S. Lewis

Seconded by: S. Lehman

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, based on the application of 2219008 Ontario Ltd. (York Developments), relating to the property located at 3425 Grand Oak Crossing:

a) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 3425 Grand Oak Crossing; and,

b) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 3425 Grand Oak Crossing;

it being noted that no individuals spoke at the public participation meeting associated with this matter;

it being further noted that the Municipal Council approves this application for the following reasons:

- the proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, which directs new development to designated growth areas and areas adjacent to existing development;
- the proposed Vacant Land Condominium conforms to the in-force policies of The London Plan including but not limited to Our Tools, Key Directions, and the Neighbourhoods Place Type policies; and,
- the proposed Vacant Land Condominium conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-

Family, Medium Density Residential Designation and will implement an appropriate form of residential development for the site. (2022-D07)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: S. Turner

Seconded by: S. Lehman

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Moved by: S. Hillier

Seconded by: S. Lewis

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

### 3.2 600 Oxford Street West (OZ-9437)

Moved by: S. Lehman

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning & Development, the following actions be taken with respect to the application by Maverick Real Estate Inc., relating to the property located at 600 Oxford Street West:

a) the proposed by-law appended to the staff report dated March 7, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to amend The London Plan to ADD a Specific Area Policy to permit "automotive uses, restricted" within existing buildings, in addition to the uses permitted in the Transit Village Place Type, and by ADDING the subject lands to Map 7 - Specific Area Policies – of The London Plan;

it being noted that the amendments will come into full force and effect concurrently with Map 7 of The London Plan;

b) the proposed by-law appended to the staff report dated March 7, 2022 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to amend the Official Plan (1989) to ADD a policy to Section 10.1.3 – "Policies for Specific Areas" to permit "office", "retail" and "commercial recreation establishments" within existing buildings, in addition to the uses permitted in the Auto-Oriented Commercial Corridor designation; and,

c) the proposed by-law appended to the staff report dated March 7, 2022 as Appendix "C" BE INTRODUCED at the Municipal Council



meeting to be held on March 22, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in parts a) and b) above), to change the zoning of the subject property FROM a Highway Service Commercial/Restricted Service Commercial (HS/RSC1) Zone TO a Highway Service Commercial Special Provision (HS(\_)) Zone;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- N. Dyjach, Strik Baldinelli Moniz;

it being noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the criteria for Specific Area Policies and Planning Impact Analysis;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, City Design policies;
- the recommended amendment facilitates uses of a site within the Built-Area Boundary and the Primary Transit Area until such time as the site redevelops; and,
- the recommended amendments facilitate an appropriate proposal that facilitates the reuse of the existing buildings with uses that are compatible within the surrounding context. (2022-D21)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Moved by: S. Hillier

Seconded by: S. Turner

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

### 3.3 1420 Hyde Park Road (O-9422/Z-9423)

Moved by: S. Lehman

Seconded by: S. Turner

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Hyde Construction (c/o Pete Hyde), relating to the property located at 1420 Hyde Park Road:

a) the proposed by-law appended to the staff report dated March 7, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to amend the Official Plan for the City of London Planning Area – 1989 by ADDING a policy to Section 3.5. – Policies for Specific Residential Areas to permit a maximum residential density of 111 units per hectare to align the 1989 Official Plan policies with the Neighbourhood Place Type policies of The London Plan;

b) the proposed by-law appended to the staff report dated March 7, 2022 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in part a) above), to change the zoning of the subject property FROM a Temporary/Urban Reserve (T-51/UR3) Zone TO a Residential R9 Special Provision (R9-4(\_)) Zone;

it being noted that the following site plan matters were raised during the application review process:

- i) provide a strong pedestrian relationship between the inside and the outside of the building at the intersection of Hyde Park Road and South Carriage Road;
- ii) provide individual lockable front door entrances to ground floor units on the street-facing elevations and design amenity spaces as open courtyards or front porches to create a pedestrian-oriented streetscape;
- iii) provide direct walkway access from ground floor units to the public sidewalk;
- iv) co-ordinate the design of the site with the memorial plaza to be constructed by the City at Hyde Park Road/South Carriage intersection;
- v) provide further details on the use of the outdoor amenity space at the corner of South Carriage Road and Hyde Park Ave. Remove the wall and fencing to provide for better activation with the street and memorial plaza;
- vi) design the space between the building and the right-of-way with a main sidewalk, slightly raised planting beds with trees and foundation plantings generally consistent with the public/private interface approved for other developments within the Hyde Park community;
- vii) provide privacy fencing along the west and south property boundaries;
- viii) provide enhanced landscaping, including buffering and screening from the development to the existing and future uses on adjacent properties and screening of parking visible from South Carriage Road;
- ix) continue the public sidewalk along the South Carriage Road frontage between Hyde Park Road and Prince of Wales Gate to provide better pedestrian connections within the neighbourhood and to Canterbury Park, noting sidewalk construction will require the removal of nine existing trees located in the City boulevard;
- x) provide a centrally located outdoor common amenity space that is sufficiently sized for the number of units proposed;
- xi) provide trees and plantings every 15 parking spaces and within all parking islands.
- xii) locate the garbage facilities close to the building, away from neighbouring properties;
- xiii) provide mitigation measures to address potential on-site conflicts

between sidewalks and the parking area, and individual ground floor units and their private amenity areas; and,  
xiv) locate and design snow storage areas to retain snow-melt on site;

it being pointed out that the Planning and Environment Committee received a communication from S. Jones, by e-mail, with respect to these matters;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- K. Crowley, Zelinka Priamo Ltd.; and,
- P. Terek, no address provided;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, and Neighbourhoods Place Type;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-family, Medium Density Residential designation; and,
- the recommended amendment facilitates the development of a site immediately adjacent to the Built-Area Boundary in an area planned for the logical expansion of urban residential development. (2022-D09)

Yeas: (4): A. Hopkins , S. Lewis, S. Lehman, and S. Turner

Absent: (2): S. Hillier, and E. Holder

**Motion Passed (4 to 0)**

Additional Votes:

Moved by: S. Hillier

Seconded by: S. Lewis

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Moved by: S. Lehman

Seconded by: S. Turner

Motion to close the public participation meeting.

Yeas: (3): A. Hopkins , S. Lehman, and S. Turner

Absent: (3): S. Lewis, S. Hillier, and E. Holder

**Motion Passed (3 to 0)**

### 3.4 6756 James Street (Z-9401)

Moved by: S. Turner

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, based on the application by Domus Development London Inc., relating to the property located at 6756 James Street, the proposed by-law appended to the staff report dated March 7, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R1 (R1-10) Zone TO a Residential R5 Special Provision (R5-2(\_)) Zone;

it being noted that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:

- i) boundary landscaping along the north, east and west property boundaries that meet the standards of the Site Plan Control By-law and have screening/privacy qualities; and,
- ii) board-on-board fencing along the north, east and west property boundaries where possible that meet the standards of the Site Plan Control By-law and do not negatively impact on-site stormwater management or any existing landscaping;

it being noted that the Planning and Environment Committee received the following communications with respect to these matters:

- the staff presentation;
- a communication dated March 2, 2022 from L. and R. Harden, by e-mail; and,
- a communication dated February 28, 2022 from J. Posthumus, by e-mail;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- Casey Kulchycki, Senior Planner, Zelinka Priamo Ltd.;
- J. D'Orsay, 6775 James Street;
- J. Posthumus, no address provided;
- J. McNabb, no address provided;
- K. Karpierz, 6742 James Street; and,
- L. Grieve, 6780 James Street;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the in-force policies of the Southwest Area Secondary Plan, including but not limited to the Low Density Residential designation of the Lambeth Neighbourhood;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Low Density Residential designation; and,
- the recommended amendment facilitates the development of a site within the Built-Area Boundary with an appropriate form of infill development. (2022-D12)

Yeas: (4): A. Hopkins , S. Lewis, S. Lehman, and S. Turner

Absent: (2): S. Hillier, and E. Holder

**Motion Passed (4 to 0)**

Additional Votes:

Moved by: A. Hopkins

Seconded by: S. Lewis

Motion to open the public participation meeting.

Yeas: (4): A. Hopkins , S. Lewis, S. Lehman, and S. Turner

Absent: (2): S. Hillier, and E. Holder

**Motion Passed (4 to 0)**

Moved by: S. Lewis

Seconded by: S. Turner

Motion to close the public participation meeting.

Yeas: (4): A. Hopkins , S. Lewis, S. Lehman, and S. Turner

Absent: (2): S. Hillier, and E. Holder

**Motion Passed (4 to 0)**

**4. Items for Direction**

None.

**5. Deferred Matters/Additional Business**

None.

**6. Adjournment**

The meeting adjourned at 6:49 PM.

# Community and Protective Services Committee

## Report

4th Meeting of the Community and Protective Services Committee  
March 1, 2022

PRESENT: Councillors M. Cassidy (Chair), J. Helmer, M. Hamou, S. Hillier,  
Mayor E. Holder

ABSENT: M. Salih

ALSO PRESENT: Councillor S. Lewis; J. Bunn, M. Ribera and M. Schulthess

Remote Attendance: Councillors A. Hopkins, E. Pelozza and M. van Holst; L. Livingstone; H. Chapman, C. Cooper, K. Dickins, S. Glover, Chief L. Hamer, Deputy Chief A. Hunt, O. Katolyk, L. Marshall, S. Mathers, N. Musicco, K. Murray, C. Smith, S. Stafford, B. Westlake-Power

The meeting was called to order at 4:01 PM; it being noted that the following Members were in remote attendance: Mayor E. Holder; Councillors M. Hamou, J. Helmer and S. Hillier

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

Moved by: E. Holder

Seconded by: M. Hamou

That Items 2.1, 2.2, 2.4 and 2.5 BE APPROVED.

Yeas: (5): M. Cassidy, J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

#### 2.1 1st Report of the Accessibility Advisory Committee

Moved by: E. Holder

Seconded by: M. Hamou

That the following actions be taken with respect to the 1st Report of the Accessibility Advisory Committee, from its meeting held on January 27, 2022:

a) the Community Diversity and Inclusion Strategy (CDIS) Accessibility Working Group members BE INVITED to attend a future meeting of the Accessibility Advisory Committee in order to discuss opportunities for future integrations and collaborations; and,

b) clauses 1.1, 2.1, 2.2, 3.1, 5.1 and 6.1, BE RECEIVED.

**Motion Passed**

2.2 Single Source Procurement SS-2022-071: Xalt Real-time Fire CAD to RMS Interface

Moved by: E. Holder

Seconded by: M. Hamou

That, on the recommendation of the Deputy City Manager, Neighbourhood and Community-Wide Services, the following actions be taken with respect to the staff report, dated March 1, 2022, related to Single Source Procurement SS-2022-071 for Xalt software from Hexagon (Intergraph Canada Ltd.) to allow an interface with ICO Solutions Records Management System from the Hexagon Fire Computer Aided Dispatch (CAD):

a) the Firm Fixed Price Statement of Work, submitted by Intergraph Canada Ltd., doing business as Hexagon Safety & Infrastructure division, 10921-14 Street NE, Calgary, Alberta, T3K 2L5, for the installation of the Xalt – Integration Software, at the quoted purchase value of \$65,420 (HST excluded), BE ACCEPTED; it being noted that this is a single source contract as per the Procurement of Goods and Services Policy Section 14.4 d), there is a need for compatibility with goods and/or services previously acquired or the required goods and/or services will be additional to similar goods and/or services being supplied under an existing contract (i.e. contract extension or renewal);

b) the Quote number 2022-84528 submitted by Intergraph Canada Ltd., doing business as Hexagon Safety & Infrastructure division, 10921-14 Street NE, Calgary, Alberta, T3K 2L5 for the purchase and annual maintenance of the Xalt – Integration Software, at the quoted purchase value of \$39,663 (HST excluded), BE ACCEPTED; it being noted that this is a single source contract as per the Procurement of Goods and Services Policy Section 14.4 d), there is a need for compatibility with goods and/or services previously acquired or the required goods and/or services will be additional to similar goods and/or services being supplied under an existing contract (i.e. contract extension or renewal);

c) subject to approval of a) and b) above, the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this contract;

d) the approval and authorization provided for in a) and b) above, BE CONDITIONAL upon the Corporation entering into a formal contract or having a Purchase Order, or contract record relating to the subject matter of this approval;

e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to the actions set out in a) to c) above; and,

f) the funding for this procurement BE APPROVED as set out in the Source of Financing Report, as appended to the above-noted staff report. (2022-C09)

**Motion Passed**

2.4 2022-2023 Single Source Award Recommendation for Housing Stability Service Programs; Including Housing First, Supportive Housing and Day Drop-in Programs

Moved by: E. Holder

Seconded by: M. Hamou

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following actions be taken with respect to the staff report, dated March 1, 2022, related to a Single Source Award

Recommendation for Housing Stability Service Programs, Including Housing first, Supportive Housing and Day Drop-In programs:

a) the Single Source, as per The Corporation of the City of London Procurement Policy Section 14.4 d), BE ACCEPTED at a total estimated cost of \$3,642,900 (excluding HST), for the period of April 1, 2022, to March 31, 2023, with the option to extend for four (4) additional one (1) year terms, subject to confirmation of the Provincial and Federal funding, to administer Housing Stability Services, Housing First, Supportive Housing and Day Drop-In programs, to the following providers:

- CMHA Thames Valley Addiction & Mental Health Services – Street Level Women at Risk (SS-2022-060)
- St. Leonard’s Society of London – Project Home (SS-2022-061)
- London Cares Homeless Response Services Housing First (SS-2022-062)
- CMHA Thames Valley Addiction & Mental Health Services – Housing Always (SS-2022-063)
- CMHA Thames Valley Addiction & Mental Health Services - No Fixed Address program (SS-2022-064)
- Mission Services - Roger Smith Wing Supportive Housing (SS-2022-065)
- Youth Opportunities Unlimited – Cornerstone Housing (SS-2022-066)
- Regional HIV/AIDS Connection - John Gordon Home (SS-2022-067)
- Youth Opportunities Unlimited Housing First Mobile Team (SS-2022-068)
- CMHA Thames Valley Addiction & Mental Health Services – My Sisters Place Day Drop-in (SS-2022-069);

b) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in relation to this project; and,

c) the approval, given herein, BE CONDITIONAL upon the Corporation entering into Purchase of Service Agreements with each program. (2022-D04)

**Motion Passed**

2.5 Irregular Result RFP 21-71 Consultant for Employment Services Transformation Single Bid Award Recommendation

Moved by: E. Holder

Seconded by: M. Hamou

That, on the recommendation of the Deputy City Manager, Social and Health Development and with the concurrence of the Director, Financial Services, the following actions be taken with respect to the staff report, dated March 1, 2022, related to an Irregular Result RFP 21-71 for a Consultant for Employment Services Transformation Single Bid Award Recommendation, as per the City of London Procurement Policy Section 19.4 “Only One Bid Received”:

a) the Request for Proposal (RFP 21-71), submitted by StrategyCorp, BE ACCEPTED, at the cost of \$79,500 (plus H.S.T.);

b) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in relation to this project, and;

c) the approvals, hereby given, BE CONDITIONAL upon the Corporation entering into a formal contract or having a purchase order relating to the subject matter of this approval. (2022-S04)



**Motion Passed**

2.3 Licensing Agreement for the Creation of a Food Hub in Cavendish Park, 136 Cavendish Crescent

Moved by: E. Holder  
Seconded by: M. Hamou

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the proposed by-law, as appended to the staff report, dated March 1, 2022, BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to:

- a) authorize and approve the Agreement between The Corporation of the City of London and Hutton House Association for Adults with Disabilities for the creation of a Food Hub at Cavendish Park 136 Cavendish Crescent; and,
- b) authorize the Mayor and the City Clerk to execute the above-noted Agreement;

it being noted that the communication, as appended to the Added Agenda, from L. Thorne, with respect to this matter, was received. (2022-S12)

Yeas: (5): M. Cassidy, J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

2.6 Pet Limits for Approved Foster Organizations

Moved by: J. Helmer  
Seconded by: M. Hamou

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the staff report dated March 1, 2022, with respect to Pet Limits for Approved Foster Organizations, BE RECEIVED; it being noted that the current regulation of no pet limits for Approved Foster Organizations will be maintained. (2022-P14)

Yeas: (4): M. Cassidy, J. Helmer, M. Hamou, and S. Hillier

Nays: (1): E. Holder

Absent: (1): M. Salih

**Motion Passed (4 to 1)**

Voting Record:

Moved by: S. Hillier  
Seconded by: M. Hamou

Motion to approve the delegation requests from W. Brown and M. Blosch, Animal Welfare Advisory Committee, with respect to this matter.

Yeas: (5): M. Cassidy, J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

Moved by: E. Holder  
Seconded by: M. Hamou

Motion to restrict the number of and types of rescue animals in foster homes to be the number of animals allowed in private homes.

Yeas: (2): S. Hillier, and E. Holder

Nays: (3): M. Cassidy, J. Helmer, and M. Hamou

Absent: (1): M. Salih

**Motion Failed (2 to 3)**

**3. Scheduled Items**

None.

**4. Items for Direction**

4.1 K. Pihlak, Executive Director, Oak Park Co-operative Children's Centre -  
REQUEST FOR DELEGATION STATUS

Moved by: J. Helmer  
Seconded by: M. Hamou

That the following actions be taken with respect to the delegation from K. Pihlak, Oak Park Co-Operative Children's Centre, related to the Bi-Lateral Child Care Agreement:

- a) the Mayor BE REQUESTED to call on the Provincial Government to:
- sign the Bi-Lateral Child Care Agreement before March 31, 2022; and,
  - emphasize the importance of growing the highly-trained workforce of early childhood educators in Ontario;
- b) the Licensed Child Care Network BE THANKED for their advocacy and for their work as early childhood educators;

it being noted that the verbal delegation from K. Pihlak, Executive Director, Oak Park Co-Operative Children's Centre, with respect to this matter, as well as the communications, appended to the agenda, were received.  
(2022-S01)

Yeas: (5): M. Cassidy, J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

Voting Record:

Moved by: J. Helmer  
Seconded by: M. Hamou

Motion to approve the delegation request from K. Pihlak, Oak Park Co-operative Children's Centre, with respect to the Bi-Lateral Child Care Agreement.

Yeas: (5): M. Cassidy, J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

4.2 COVID-19 Response Update and Program Funding Wind-down

Moved by: J. Helmer  
Seconded by: M. Hamou

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following actions be taken with respect to the staff report, dated March 1, 2022, with respect to a COVID-19 Response Update and Program Funding Wind-down:

- a) the Mayor BE DIRECTED to write a letter to the applicable Ministries with respect to the need for the continuation of Provincial Social Services Relief Funding (SSRF) and Federal Reaching Home COVID response funding; and,
- b) the above-noted staff report BE RECEIVED. (2022-S08)

Yeas: (5): M. Cassidy, J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

4.3 Draft By-laws: Program Regulating Distribution of Flyers By-law and Distribution of Graphic Flyers to Residential Properties By-law

Moved by: J. Helmer  
Seconded by: M. Hamou

That the following actions be taken with respect to the staff report, dated March 1, 2022, related to a Program Regulating Distribution of Flyers and Distribution of Graphic Flyer Deliveries to Residential Properties:

- a) the proposed by-law, as appended to the above-noted staff report (Appendix C), BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to regulate the distribution of graphic flyers in the City of London; and,
- b) the proposed by-law, as appended to the above-noted staff report (Appendix D), BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to amend By-law No. A-54, as amended, being "A by-law to implement an Administrative Monetary Penalty System in London" to designate the Distribution of Graphic Flyers By-law;

it being noted that the communications, as appended to the Added Agenda, from J. Arthur, D. Ronson and S. Trosow, with respect to this matter, were received. (2022-C09)

Yeas: (5): M. Cassidy, J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

**5. Deferred Matters/Additional Business**

5.1 Deferred Matters List

Moved by: J. Helmer  
Seconded by: M. Hamou

That the Deferred Matters List for the Community and Protective Services Committee, as at February 18, 2022, BE RECEIVED.

Yeas: (5): M. Cassidy, J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

5.2 (ADDED) 1st Report of the Community Safety and Crime Prevention Advisory Committee

Moved by: M. Hamou

Seconded by: J. Helmer

That the 1st Report of the Community Safety and Crime Prevention Advisory Committee, from its meeting held on February 24, 2022, BE RECEIVED.

Yeas: (5): M. Cassidy, J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

## **6. Confidential**

Moved by: M. Hamou

Seconded by: E. Holder

That the Community and Protective Services Committee convene In Closed Session for the purpose of considering the following:

### **6.1. Solicitor-Client Privilege**

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding flyer deliveries to residential properties.

Yeas: (5): M. Cassidy, J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

The Community and Protective Services Committee convened In Closed Session from 6:07 PM to 7:08 PM.

## **7. Adjournment**

The meeting adjourned at 7:39 PM.

# Strategic Priorities and Policy Committee

## Report

6th Special Meeting of the Strategic Priorities and Policy Committee  
March 22, 2022

PRESENT: Councillors M. van Holst, S. Lewis, J. Helmer, M. Cassidy, M. Hamou, J. Morgan (Acting Chair), S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, S. Hillier

ABSENT: Mayor E. Holder (Chair), M. Salih

ALSO PRESENT: M. Ribera, B. Westlake-Power

Also Present: L. Livingstone, A. Barbon, B. Card, S. Corman, J. Davison, K. Dickins, O. Katolyk, S. Mathers, M. Schulthess and Dr. A. Summers

The meeting is called to order at 2:31 PM; it being noted that the following Members were in remote attendance, Councillors M. van Holst, J. Helmer, M. Cassidy, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza and S. Hillier.

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

None.

### 3. Scheduled Items

None.

### 4. Items for Direction

#### 4.1 Temporary Reintroduction of Mask By-law to Limit the Spread of COVID-19 - Councillors Helmer, Turner and Cassidy

Moved by: S. Lehman

Seconded by: J. Fyfe-Millar

That the communication dated March 20, 2022, from Councillors J. Helmer, S. Turner and M. Cassidy, BE RECEIVED.

Yeas: (13): M. van Holst, S. Lewis, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Absent: (2): Mayor E. Holder, and M. Salih

**Motion Passed (13 to 0)**

Additional votes:

Moved by: J. Helmer

Seconded by: S. Turner

That the attached by-law BE INTRODUCED at the Council meeting to be held on March 22, 2022 to temporarily require the use of face coverings within enclosed publicly-accessible spaces in the City of London.

Yeas: (3): J. Helmer, M. Cassidy, and S. Turner

Nays: (10): M. van Holst, S. Lewis, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Absent: (2): Mayor E. Holder, and M. Salih

**Motion Failed (3 to 10)**

**5. Deferred Matters/Additional Business**

5.1 CONFIDENTIAL Solicitor-Client Privilege/Litigation-Potential Litigation

Moved by: S. Lewis

Seconded by: J. Fyfe-Millar

That the committee convene in closed session to consider a matter pertaining to litigation or potential litigation and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Yeas: (13): M. van Holst, S. Lewis, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Absent: (2): Mayor E. Holder, and M. Salih

**Motion Passed (13 to 0)**

The Strategic Priorities and Policy Committee convenes, In Closed Session, from 3:27 PM to 3:55 PM.

**6. Adjournment**

Moved by: E. Pelozza

Seconded by: S. Hillier

That the meeting BE ADJOURNED.

Yeas: (13): M. van Holst, S. Lewis, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Absent: (2): Mayor E. Holder, and M. Salih

**Motion Passed (13 to 0)**

The meeting adjourned at 4:23 PM.

Bill No. 124  
2022

By-law No. A.- \_\_\_\_\_ - \_\_\_\_\_

A by-law to confirm the proceedings of the  
Council Meeting held on the 22<sup>nd</sup> day of March,  
2022.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Every decision of the Council taken at the meeting at which this by-law is passed and every motion and resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted, except where prior approval of the Ontario Land Tribunal is required and where any legal prerequisite to the enactment of a specific by-law has not been satisfied.
2. The Mayor and the proper civic employees of the City of London are hereby authorized and directed to execute and deliver all documents as are required to give effect to the decisions, motions and resolutions taken at the meeting at which this by-law is passed.
3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

Bill No. 125  
2022

By-law No. A.- \_\_\_\_ - \_\_\_\_

A by-law to accept the terms and conditions for funding under the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program between Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks and The Corporation of the City of London (“Agreement”) and authorize the Mayor and City Clerk to execute the Agreement and any future amending agreements.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting, among other things: i) economic, social and environmental well-being of the municipality; and ii) financial management of the municipality;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Accepts the terms and conditions for funding under the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program between Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks and The Corporation of the City of London (“Agreement”) attached as Schedule “A” to this by-law is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute an Agreement substantially in the form of that authorized and approved under section 1 of this by-law.
3. The Deputy City Manager, Finance Supports or the Deputy City Manager, Environment and Infrastructure are hereby authorized to approve amending agreements to the Agreement provided it does not increase the indebtedness or liabilities of The Corporation of the City of London under the Agreement.
4. The Mayor and City Clerk are hereby authorized to execute any amending agreements approved by the Deputy City Manager, Finance Supports or the Deputy City Manager, Environment and Infrastructure under section 3 of this by-law.
5. The Deputy City Manager, Finance Supports, or their delegate, is hereby authorized to execute any financial reports required as a condition under the Agreement.
6. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schultess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022



## SCHEDULE “A”

### **Terms and Conditions for Municipalities of the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program (“Terms and Conditions”)**

As a condition of receiving the Funds from Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, Conservation and Parks (MECP) as described in the letter dated February 11, 2022 to the Corporation of the City of London (Municipality), which is incorporated into and forms part of this Schedule “A” the Municipality agrees to the following terms and conditions:

#### **Eligibility Criteria**

##### **Part 1 Funding**

The Municipality confirms that it meets the following eligibility criteria as of the date of signing of these Terms and Conditions:

- (1) The Municipality is a municipality within the Province of Ontario as defined in and governed by the *Municipal Act, 2001*.
- (2) The Municipality was one of the top 20 dischargers of combined sewer overflows by average combined sewer overflow volume per year based on federal data collected through the federal Wastewater System Effluent Regulation (WSER) from 2015-2019.

##### **Part 2 Funding**

The Municipality will be eligible for Part 2 funding when it provides MECP with the report due on June 30, 2022 as per the Reporting section below.

For clarity, eligible expenses utilizing funds from each funding Part may be incurred by the Municipality any time between the date the eligibility criteria for the Part was met and March 31, 2024.

The Municipality agrees to inform MECP forthwith if it no longer meets one or more of the eligibility criteria.

#### **Eligible Expenses:**

Expenses considered eligible under the Program as defined in the above-noted letter are limited to the following, provided they are incurred on or before March 31, 2024 for the monitoring and/or modelling and near real-time public reporting of sewage overflows and bypasses:

- Engineering and design work
- Purchasing of equipment/software (e.g., monitoring devices)
- Installation costs (e.g., monitoring equipment)
- Electrical/internet connections
- Associated capital costs (e.g., access point)
- Capital upgrading costs (e.g., improved monitoring devices/infrastructure)
- Signage associated with public reporting of sewage overflows and bypasses (e.g., to support social media – QR code)
- Other capital expenses related to the development and implementation of monitoring/modelling and public reporting of sewage overflows and bypasses

Expenses listed above are only considered eligible if they are capital in nature or able to be capitalized based on standard accounting principles. However, engineering, design, or other consultant costs cannot be the significant/sole expenditure. Funding must be used for equipment and construction. Engineering, design, or other consultant costs shall be incidental to that. Municipal staff time and staff costs are not an eligible expense under the Program.

Eligible expenses do not include any costs (including taxes) for which the Municipality has received, will receive, or is eligible to receive, a rebate, credit, or refund. Expenses

incurred prior to the date of the Municipality's execution of this Terms and Conditions are ineligible.

**Procurement:**

In acquiring equipment, services or other eligible items, the Municipality agrees to do so through a procurement process that promotes the best value for money.

**Reporting:**

The Municipality agrees to:

- 1) Provide MECP with reports on a quarterly basis on the amount of Funds spent on eligible expenses in accordance with these Terms and Conditions in a form specified by the MECP. The reporting due dates are as follows:
  - June 30, 2022
  - September 30, 2022
  - December 31, 2022
  - March 31, 2023
  - June 30, 2023
  - September 30, 2023
  - December 31, 2023
  - March 31, 2024
- 2) Provide MECP with receipts or other proof of payment to confirm the eligibility of the reported spending if requested by MECP.

**Audit:**

- 1) The Municipality agrees that MECP and its representatives may conduct an audit or investigation in respect of the expenditures reported by the Municipality.

The undersigned acknowledges that in providing his/her name on the applicable line below in electronic form will constitute a signature for the purposes of the *Electronic Commerce Act, 2000*, S.O. 2000, c. 17, as amended.

**The Corporation of the City of London**

per: \_\_\_\_\_  
Name: Ed Holder  
Title: Mayor

per: \_\_\_\_\_  
Name: Michael Schultess  
Title: Clerk

Date: \_\_\_\_\_

We have authority to bind the Municipality.

Bill No. 126  
2022

By-law No. A.-\_\_\_\_\_ - \_\_\_\_

A by-law to approve the Ontario Transfer Payment between Her Majesty the Queen in right of Ontario as represented by the Minister of Environment, Conservation and Parks and The Corporation of the City of London (“Agreement”) and authorize the Mayor and City Clerk to execute the Agreement and any future amending agreements.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting, among other things: i) economic, social and environmental well-being of the municipality; and ii) financial management of the municipality;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Ontario Transfer Payment between Her Majesty the Queen in right of Ontario as represented by the Minister of Environment, Conservation, and Parks and The Corporation of the City of London (“Agreement”) attached as Schedule “1” to this by-law is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute the Agreement authorized and approved under section 1 of this by-law.
3. The Deputy City Manager, Finance Supports or the Deputy City Manager, Environment and Infrastructure are hereby authorized to approve amending agreements to the Agreement provided it does not increase the indebtedness or liabilities of The Corporation of the City of London under the Agreement.
4. The Mayor and City Clerk are hereby authorized to execute any amending agreements approved by the Deputy City Manager, Finance Supports or the Deputy City Manager, Environment and Infrastructure under section 3 of this by-law.
5. The Deputy City Manager, Finance Supports, or their delegate, is hereby authorized to execute any financial reports required as a condition under the Agreement.
6. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022

Ed Holder  
Mayor

Michael Schultess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

**Schedule 1**

**ONTARIO TRANSFER PAYMENT AGREEMENT**

**TPON Case No.: 2022-02-1-1673658539**

**Other File No. 3804**

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**THE AGREEMENT** is effective as of March 28, 2022

**B E T W E E N:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO as  
represented by the Minister of the Environment, Conservation  
and Parks**

(the “Province”)

**- and -**

**THE CORPORATION OF THE CITY OF LONDON**

(the “Recipient”)

**CONSIDERATION**

In consideration of the mutual covenants and agreements contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Province and the Recipient agree as follows:

**1.0 ENTIRE AGREEMENT**

1.1 The Agreement, together with:

Schedule “A” - General Terms and Conditions  
Schedule “B” - Project Specific Information and Additional Provisions  
Schedule “C” - Project  
Schedule “D” - Budget  
Schedule “E” - Payment Plan  
Schedule “F” - Reports, and  
any amending agreement entered into as provided for in section 4.1,

constitutes the entire agreement between the Parties with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements.

## **2.0 CONFLICT OR INCONSISTENCY**

2.1 **Conflict or Inconsistency.** In the event of a conflict or inconsistency between the Additional Provisions and the provisions in Schedule “A”, the following rules will apply:

- (a) the Parties will interpret any Additional Provisions in so far as possible, in a way that preserves the intention of the Parties as expressed in Schedule “A”; and
- (b) where it is not possible to interpret the Additional Provisions in a way that is consistent with the provisions in Schedule “A”, the Additional Provisions will prevail over the provisions in Schedule “A” to the extent of the inconsistency.

## **3.0 COUNTERPARTS**

3.1 The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

## **4.0 AMENDING THE AGREEMENT**

4.1 The Agreement may only be amended by a written agreement duly executed by the Parties.

## **5.0 ACKNOWLEDGEMENT**

5.1 The Recipient acknowledges that:

- (a) by receiving Funds it may become subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the *Broader Public Sector Accountability Act, 2010* (Ontario), the *Public Sector Salary Disclosure Act, 1996* (Ontario), and the *Auditor General Act* (Ontario);
- (b) Her Majesty the Queen in Right of Ontario has issued expenses, perquisites, and procurement directives and guidelines pursuant to the *Broader Public Sector Accountability Act, 2010* (Ontario);
- (c) the Funds are:
  - (i) to assist the Recipient to carry out the Project and not to provide goods or services to the Province;
  - (ii) funding for the purposes of the *Public Sector Salary Disclosure Act, 1996* (Ontario);

- (d) the Province is not responsible for carrying out the Project; and
- (e) the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Province in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

The Parties have executed the Agreement on the dates set out below.

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
as represented by the Minister of the Environment,  
Conservation and Parks**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Ling Mark  
Title: Director, Great Lakes and Inland Waters Branch

**THE CORPORATION OF THE CITY OF LONDON**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Edwin Holder  
Title: Mayor, City of London

I have authority to bind the Recipient.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Michael Schulthess  
Title: City Clerk

I have authority to bind the Recipient.

**SCHEDULE “A”  
GENERAL TERMS AND CONDITIONS**

---

**A1.0 INTERPRETATION AND DEFINITIONS**

A1.1 **Interpretation.** For the purposes of interpretation:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the headings do not form part of the Agreement; they are for reference only and will not affect the interpretation of the Agreement;
- (d) any reference to dollars or currency will be in Canadian dollars and currency; and
- (e) “include”, “includes” and “including” denote that the subsequent list is not exhaustive.

A1.2 **Definitions.** In the Agreement, the following terms will have the following meanings:

**“Additional Provisions”** means the terms and conditions set out in Schedule “B”.

**“Agreement”** means this agreement entered into between the Province and the Recipient, all of the schedules listed in section 1.1, and any amending agreement entered into pursuant to section 4.1.

**“Budget”** means the budget attached to the Agreement as Schedule “D”.

**“Business Day”** means any working day, Monday to Friday inclusive, excluding statutory and other holidays, namely: New Year’s Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day and any other day on which the Province has elected to be closed for business.

**“Effective Date”** means the date set out at the top of the Agreement.

**“Event of Default”** has the meaning ascribed to it in section A13.1.

**“Expiry Date”** means the expiry date set out in Schedule “B”.

**“Funding Year”** means:

- (a) in the case of the first Funding Year, the period commencing on the Effective Date and ending on the following March 31; and
- (b) in the case of Funding Years subsequent to the first Funding Year, the period commencing on April 1 following the end of the previous Funding Year and ending on the following March 31.

**“Funds”** means the money the Province provides to the Recipient pursuant to the Agreement.

**“Indemnified Parties”** means Her Majesty the Queen in Right of Ontario, Her ministers, agents, appointees, and employees.

**“Maximum Funds”** means the maximum Funds set out in Schedule “B”.

**“Notice”** means any communication given or required to be given pursuant to the Agreement.

**“Notice Period”** means the period of time within which the Recipient is required to remedy an Event of Default pursuant to section A13.3(b), and includes any such period or periods of time by which the Province extends that time in accordance with section A13.4.

**“Parties”** means the Province and the Recipient.

**“Party”** means either the Province or the Recipient.

**“Project”** means the undertaking described in Schedule “C”.

**“Reports”** means the reports described in Schedule “F”.

## **A2.0 REPRESENTATIONS, WARRANTIES, AND COVENANTS**

**A2.1 General.** The Recipient represents, warrants, and covenants that:

- (a) it is, and will continue to be, a validly existing legal entity with full power to fulfill its obligations under the Agreement;
- (b) it has, and will continue to have, the experience and expertise necessary to carry out the Project;
- (c) it is in compliance with, and will continue to comply with, all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules, and by-laws related to any aspect of the Project, the Funds, or both; and
- (d) unless otherwise provided for in the Agreement, any information the



Recipient provided to the Province in support of its request for funds (including information relating to any eligibility requirements) was true and complete at the time the Recipient provided it and will continue to be true and complete.

**A2.2 Execution of Agreement.** The Recipient represents and warrants that it has:

- (a) the full power and authority to enter into the Agreement; and
- (b) taken all necessary actions to authorize the execution of the Agreement.

**A2.3 Governance.** The Recipient represents, warrants, and covenants that it has, will maintain in writing, and will follow:

- (a) a code of conduct and ethical responsibilities for all persons at all levels of the Recipient's organization;
- (b) procedures to enable the Recipient's ongoing effective functioning;
- (c) decision-making mechanisms for the Recipient;
- (d) procedures to enable the Recipient to manage Funds prudently and effectively;
- (e) procedures to enable the Recipient to complete the Project successfully;
- (f) procedures to enable the Recipient to identify risks to the completion of the Project and strategies to address the identified risks, all in a timely manner;
- (g) procedures to enable the preparation and submission of all Reports required pursuant to Article A7.0; and
- (h) procedures to enable the Recipient to address such other matters as the Recipient considers necessary to enable the Recipient to carry out its obligations under the Agreement.

**A2.4 Supporting Proof.** Upon the request of the Province, the Recipient will provide the Province with proof of the matters referred to in Article A2.0.

### **A3.0 TERM OF THE AGREEMENT**

**A3.1 Term.** The term of the Agreement will commence on the Effective Date and will expire on the Expiry Date unless terminated earlier pursuant to Article A11.0, Article A12.0, or Article A13.0.

#### **A4.0 FUNDS AND CARRYING OUT THE PROJECT**

##### **A4.1 Funds Provided.** The Province will:

- (a) provide the Recipient up to the Maximum Funds for the purpose of carrying out the Project;
- (b) provide the Funds to the Recipient in accordance with the payment plan attached to the Agreement as Schedule “E”; and
- (c) deposit the Funds into an account designated by the Recipient provided that the account:
  - (i) resides at a Canadian financial institution; and
  - (ii) is in the name of the Recipient.

##### **A4.2 Limitation on Payment of Funds.** Despite section A4.1:

- (a) the Province is not obligated to provide any Funds to the Recipient until the Recipient provides the certificates of insurance or other proof as the Province may request pursuant to section A10.2;
- (b) the Province is not obligated to provide instalments of Funds until it is satisfied with the progress of the Project;
- (c) the Province may adjust the amount of Funds it provides to the Recipient in any Funding Year based upon the Province’s assessment of the information the Recipient provides to the Province pursuant to section A7.1; or
- (d) if, pursuant to the *Financial Administration Act* (Ontario), the Province does not receive the necessary appropriation from the Ontario Legislature for payment under the Agreement, the Province is not obligated to make any such payment, and, as a consequence, the Province may:
  - (i) reduce the amount of Funds and, in consultation with the Recipient, change the Project; or
  - (ii) terminate the Agreement pursuant to section A12.1.

##### **A4.3 Use of Funds and Carry Out the Project.** The Recipient will do all of the following:

- (a) carry out the Project in accordance with the Agreement;
- (b) use the Funds only for the purpose of carrying out the Project;

- (c) spend the Funds only in accordance with the Budget;
- (d) not use the Funds to cover any cost that has been or will be funded or reimbursed by one or more of any third party, ministry, agency, or organization of the Government of Ontario.

A4.4 **Interest Bearing Account.** If the Province provides Funds before the Recipient's immediate need for the Funds, the Recipient will place the Funds in an interest bearing account in the name of the Recipient at a Canadian financial institution.

A4.5 **Interest.** If the Recipient earns any interest on the Funds, the Province may:

- (a) deduct an amount equal to the interest from any further instalments of Funds; or
- (b) demand from the Recipient the payment of an amount equal to the interest.

A4.6 **Rebates, Credits, and Refunds.** The Province will calculate Funds based on the actual costs to the Recipient to carry out the Project, less any costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, a rebate, credit, or refund.

#### **A5.0 RECIPIENT'S ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS**

A5.1 **Acquisition.** If the Recipient acquires goods, services, or both with the Funds, it will:

- (a) do so through a process that promotes the best value for money; and
- (b) comply with the *Broader Public Sector Accountability Act, 2010* (Ontario), including any procurement directive issued thereunder, to the extent applicable.

A5.2 **Disposal.** The Recipient will not, without the Province's prior written consent, sell, lease, or otherwise dispose of any asset purchased or created with the Funds or for which Funds were provided, the cost of which exceeded the amount as provided for in Schedule "B" at the time of purchase.

#### **A6.0 CONFLICT OF INTEREST**

A6.1 **No Conflict of Interest.** The Recipient will carry out the Project and use the Funds without an actual, potential, or perceived conflict of interest.

A6.2 **Conflict of Interest Includes.** For the purposes of Article A6.0, a conflict of interest includes any circumstances where:

- (a) the Recipient; or
- (b) any person who has the capacity to influence the Recipient's decisions, has outside commitments, relationships, or financial interests that could, or could be seen to, interfere with the Recipient's objective, unbiased, and impartial judgment relating to the Project, the use of the Funds, or both.

A6.3 **Disclosure to Province.** The Recipient will:

- (a) disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest; and
- (b) comply with any terms and conditions that the Province may prescribe as a result of the disclosure.

## **A7.0 REPORTS, ACCOUNTING, AND REVIEW**

A7.1 **Preparation and Submission.** The Recipient will:

- (a) submit to the Province at the address referred to in section A17.1, all Reports in accordance with the timelines and content requirements as provided for in Schedule "F", or in a form as specified by the Province from time to time;
- (b) submit to the Province at the address referred to in section A17.1, any other reports as may be requested by the Province in accordance with the timelines and content requirements specified by the Province;
- (c) ensure that all Reports and other reports are completed to the satisfaction of the Province; and
- (d) ensure that all Reports and other reports are signed on behalf of the Recipient by an authorized signing officer.

A7.2 **Record Maintenance.** The Recipient will keep and maintain:

- (a) all financial records (including invoices) relating to the Funds or otherwise to the Project in a manner consistent with generally accepted accounting principles; and
- (b) all non-financial documents and records relating to the Funds or otherwise to the Project.

**A7.3 Inspection.** The Province, any authorized representative, or any independent auditor identified by the Province may, at the Province's expense, upon twenty-four hours' Notice to the Recipient and during normal business hours, enter upon the Recipient's premises to review the progress of the Project and the Recipient's allocation and expenditure of the Funds and, for these purposes, the Province, any authorized representative, or any independent auditor identified by the Province may take one or more of the following actions:

- (a) inspect and copy the records and documents referred to in section A7.2;
- (b) remove any copies made pursuant to section A7.3(a) from the Recipient's premises; and
- (c) conduct an audit or investigation of the Recipient in respect of the expenditure of the Funds, the Project, or both.

**A7.4 Disclosure.** To assist in respect of the rights provided for in section A7.3, the Recipient will disclose any information requested by the Province, any authorized representatives, or any independent auditor identified by the Province, and will do so in the form requested by the Province, any authorized representative, or any independent auditor identified by the Province, as the case may be.

**A7.5 No Control of Records.** No provision of the Agreement will be construed so as to give the Province any control whatsoever over the Recipient's records.

**A7.6 Auditor General.** The Province's rights under Article A7.0 are in addition to any rights provided to the Auditor General pursuant to section 9.1 of the *Auditor General Act* (Ontario).

## **A8.0 COMMUNICATIONS REQUIREMENTS**

**A8.1 Acknowledge Support.** Unless otherwise directed by the Province, the Recipient will:

- (a) acknowledge the support of the Province for the Project; and
- (b) ensure that the acknowledgement referred to in section A8.1(a) is in a form and manner as directed by the Province.

**A8.2 Publication.** The Recipient will indicate, in any of its Project-related publications, whether written, oral, or visual, that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

## **A9.0 INDEMNITY**

A9.1 **Indemnification.** The Recipient will indemnify and hold harmless the Indemnified Parties from and against any and all liability, loss, costs, damages, and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits, or other proceedings, by whomever made, sustained, incurred, brought, or prosecuted, in any way arising out of or in connection with the Project or otherwise in connection with the Agreement, unless solely caused by the negligence or wilful misconduct of the Indemnified Parties.

## **A10.0 INSURANCE**

A10.1 **Recipient's Insurance.** The Recipient represents, warrants, and covenants that it has, and will maintain, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person carrying out a project similar to the Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury, and property damage, to an inclusive limit of not less than the amount provided for in Schedule "B" per occurrence. The insurance policy will include the following:

- (a) the Indemnified Parties as additional insureds with respect to liability arising in the course of performance of the Recipient's obligations under, or otherwise in connection with, the Agreement;
- (b) a cross-liability clause;
- (c) contractual liability coverage; and
- (d) a 30-day written notice of cancellation.

A10.2 **Proof of Insurance.** The Recipient will:

- (a) provide to the Province, either:
  - (i) certificates of insurance that confirm the insurance coverage as provided for in section A10.1; or
  - (ii) other proof that confirms the insurance coverage as provided for in section A10.1; and
- (b) upon the request of the Province, provide to the Province a copy of any insurance policy.

## **A11.0 TERMINATION ON NOTICE**

**A11.1 Termination on Notice.** The Province may terminate the Agreement at any time without liability, penalty, or costs upon giving at least 30 days' Notice to the Recipient.

**A11.2 Consequences of Termination on Notice by the Province.** If the Province terminates the Agreement pursuant to section A11.1, the Province may take one or more of the following actions:

- (a) cancel further instalments of Funds;
- (b) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient; and
- (c) determine the reasonable costs for the Recipient to wind down the Project, and do either or both of the following:
  - (i) permit the Recipient to offset such costs against the amount the Recipient owes pursuant to section A11.2(b); and
  - (ii) subject to section A4.1(a), provide Funds to the Recipient to cover such costs.

## **A12.0 TERMINATION WHERE NO APPROPRIATION**

**A12.1 Termination Where No Appropriation.** If, as provided for in section A4.2(d), the Province does not receive the necessary appropriation from the Ontario Legislature for any payment the Province is to make pursuant to the Agreement, the Province may terminate the Agreement immediately without liability, penalty, or costs by giving Notice to the Recipient.

**A12.2 Consequences of Termination Where No Appropriation.** If the Province terminates the Agreement pursuant to section A12.1, the Province may take one or more of the following actions:

- (a) cancel further instalments of Funds;
- (b) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient; and
- (c) determine the reasonable costs for the Recipient to wind down the Project and permit the Recipient to offset such costs against the amount owing pursuant to section A12.2(b).

**A12.3 No Additional Funds.** If, pursuant to section A12.2(c), the Province determines that the costs to wind down the Project exceed the Funds remaining in the possession or under the control of the Recipient, the Province will not

provide additional Funds to the Recipient.

**A13.0 EVENT OF DEFAULT, CORRECTIVE ACTION, AND TERMINATION FOR DEFAULT**

**A13.1 Events of Default.** Each of the following events will constitute an Event of Default:

- (a) in the opinion of the Province, the Recipient breaches any representation, warranty, covenant, or other material term of the Agreement, including failing to do any of the following in accordance with the terms and conditions of the Agreement:
  - (i) carry out the Project;
  - (ii) use or spend Funds; or
  - (iii) provide, in accordance with section A7.1, Reports or such other reports as may have been requested pursuant to section A7.1(b);
- (b) the Recipient's operations, its financial condition, or its organizational structure, changes such that it no longer meets one or more of the eligibility requirements of the program under which the Province provides the Funds;
- (c) the Recipient makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or a creditor makes an application for an order adjudging the Recipient bankrupt, or applies for the appointment of a receiver; or
- (d) the Recipient ceases to operate.

**A13.2 Consequences of Events of Default and Corrective Action.** If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) initiate any action the Province considers necessary in order to facilitate the successful continuation or completion of the Project;
- (b) provide the Recipient with an opportunity to remedy the Event of Default;
- (c) suspend the payment of Funds for such period as the Province determines appropriate;
- (d) reduce the amount of the Funds;
- (e) cancel further instalments of Funds;



- (f) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient;
- (g) demand from the Recipient the payment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;
- (h) demand from the Recipient the payment of an amount equal to any Funds the Province provided to the Recipient; and
- (i) terminate the Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient.

**A13.3 Opportunity to Remedy.** If, in accordance with section A13.2(b), the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will give Notice to the Recipient of:

- (a) the particulars of the Event of Default; and
- (b) the Notice Period.

**A13.4 Recipient not Remediating.** If the Province provided the Recipient with an opportunity to remedy the Event of Default pursuant to section A13.2(b), and:

- (a) the Recipient does not remedy the Event of Default within the Notice Period;
- (b) it becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or
- (c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province,

the Province may extend the Notice Period, or initiate any one or more of the actions provided for in sections A13.2(a), (c), (d), (e), (f), (g), (h), and (i).

**A13.5 When Termination Effective.** Termination under Article will take effect as provided for in the Notice.

## **A14.0 FUNDS AT THE END OF A FUNDING YEAR**

**A14.1 Funds at the End of a Funding Year.** Without limiting any rights of the Province under Article A13.0, if the Recipient has not spent all of the Funds allocated for the Funding Year as provided for in the Budget, the Province may take one or both of the following actions:

- (a) demand from the Recipient payment of the unspent Funds; and
- (b) adjust the amount of any further instalments of Funds accordingly.

#### **A15.0 FUNDS UPON EXPIRY**

A15.1 **Funds Upon Expiry.** The Recipient will, upon expiry of the Agreement, pay to the Province any Funds remaining in its possession or under its control.

#### **A16.0 DEBT DUE AND PAYMENT**

A16.1 **Payment of Overpayment.** If at any time the Province provides Funds in excess of the amount to which the Recipient is entitled under the Agreement, the Province may:

- (a) deduct an amount equal to the excess Funds from any further instalments of Funds; or
- (b) demand that the Recipient pay an amount equal to the excess Funds to the Province.

A16.2 **Debt Due.** If, pursuant to the Agreement:

- (a) the Province demands from the Recipient the payment of any Funds or an amount equal to any Funds; or
- (b) the Recipient owes any Funds or an amount equal to any Funds to the Province, whether or not the Province has demanded their payment,

such Funds or other amount will be deemed to be a debt due and owing to the Province by the Recipient, and the Recipient will pay the amount to the Province immediately, unless the Province directs otherwise.

A16.3 **Interest Rate.** The Province may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

A16.4 **Payment of Money to Province.** The Recipient will pay any money owing to the Province by cheque payable to the "Ontario Minister of Finance" and delivered to the Province as provided for in Schedule "B".

A16.5 **Fails to Pay.** Without limiting the application of section 43 of the *Financial Administration Act* (Ontario), if the Recipient fails to pay any amount owing under the Agreement, Her Majesty the Queen in Right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in Right of Ontario.

## **A17.0 NOTICE**

A17.1 **Notice in Writing and Addressed.** Notice will be in writing and will be delivered by email, postage-prepaid mail, personal delivery, or fax, and will be addressed to the Province and the Recipient respectively as provided for Schedule “B”, or as either Party later designates to the other by Notice.

A17.2 **Notice Given.** Notice will be deemed to have been given:

- (a) in the case of postage-prepaid mail, five Business Days after the Notice is mailed; or
- (b) in the case of email, personal delivery, or fax, one Business Day after the Notice is delivered.

A17.3 **Postal Disruption.** Despite section A17.2(a), in the event of a postal disruption:

- (a) Notice by postage-prepaid mail will not be deemed to be given; and
- (b) the Party giving Notice will give Notice by email, personal delivery, or fax.

## **A18.0 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT**

A18.1 **Consent.** When the Province provides its consent pursuant to the Agreement, it may impose any terms and conditions on such consent and the Recipient will comply with such terms and conditions.

## **A19.0 SEVERABILITY OF PROVISIONS**

A19.1 **Invalidity or Unenforceability of Any Provision.** The invalidity or unenforceability of any provision of the Agreement will not affect the validity or enforceability of any other provision of the Agreement. Any invalid or unenforceable provision will be deemed to be severed.

## **A20.0 WAIVER**

A20.1 **Waiver Request.** Either Party may, in accordance with the Notice provision set out in Article A17.0, ask the other Party to waive an obligation under the Agreement.

A20.2 **Waiver Applies.** Any waiver a Party grants in response to a request made pursuant to section A20.1 will:

- (a) be valid only if the Party granting the waiver provides it in writing; and

(b) apply only to the specific obligation referred to in the waiver.

#### **A21.0 INDEPENDENT PARTIES**

A21.1 **Parties Independent.** The Recipient is not an agent, joint venturer, partner, or employee of the Province, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship.

#### **A22.0 ASSIGNMENT OF AGREEMENT OR FUNDS**

A22.1 **No Assignment.** The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under the Agreement.

A22.2 **Agreement Binding.** All rights and obligations contained in the Agreement will extend to and be binding on the Parties' respective heirs, executors, administrators, successors, and permitted assigns.

#### **A23.0 GOVERNING LAW**

A23.1 **Governing Law.** The Agreement and the rights, obligations, and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

#### **A24.0 FURTHER ASSURANCES**

A24.1 **Agreement into Effect.** The Recipient will provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

#### **A25.0 JOINT AND SEVERAL LIABILITY**

A25.1 **Joint and Several Liability.** Where the Recipient is comprised of more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under the Agreement.

#### **A26.0 RIGHTS AND REMEDIES CUMULATIVE**

A26.1 **Rights and Remedies Cumulative.** The rights and remedies of the Province under the Agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

## **A27.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS**

### **A27.1 Other Agreements.** If the Recipient:

- (a) has failed to comply with any term, condition, or obligation under any other agreement with Her Majesty the Queen in Right of Ontario or one of Her agencies (a “**Failure**”);
- (b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and
- (d) such Failure is continuing,

the Province may suspend the payment of Funds for such period as the Province determines appropriate.

## **A28.0 SURVIVAL**

**A28.1 Survival.** The following Articles and sections, and all applicable cross-referenced sections and schedules, will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement: Article 1.0, Article 3.0, Article A1.0 and any other applicable definitions, section A2.1(a), sections A4.2(d), A4.5, section A5.2, section A7.1 (to the extent that the Recipient has not provided the Reports or other reports as may have been requested to the satisfaction of the Province), sections A7.2, A7.3, A7.4, A7.5, A7.6, Article A8.0, Article A9.0, section A11.2, sections A12.2, A12.3, sections A13.1, A13.2(d), (e), (f), (g) and (h), Article A15.0, Article A16.0, Article A17.0, Article A19.0, section A22.2, Article A23.0, Article A25.0, Article A26.0, Article A27.0 and Article A28.0.

**- END OF GENERAL TERMS AND CONDITIONS -**

**SCHEDULE “B”**  
**PROJECT SPECIFIC INFORMATION AND ADDITIONAL PROVISIONS**

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**Project Specific Information**

<b>Maximum Funds</b>	\$20,000
<b>Expiry Date</b>	90 days after the final report due date in Schedule “F”
<b>Amount for the purposes of section A5.2 (Disposal) of Schedule “A”</b>	\$1,000.00
<b>Insurance</b>	\$ 2,000,000.00
<b>Contact information for the purposes of Notice to the Province</b>	<p>Name: Ministry of the Environment, Conservation and Parks  Great Lakes and Inland Waters Branch, Waterways Protection Office</p> <p>Address: 40 St. Clair Avenue West, Toronto, ON M4V 1M2</p> <p>Attention: Aaron Law</p> <p>Email: <a href="mailto:aaron.law@ontario.ca">aaron.law@ontario.ca</a></p> <p>Telephone: 647-248-0553</p>
<b>Contact information for the purposes of Notice to the Recipient</b>	<p>Name: The Corporation of the City of London</p> <p>Address: 300 Dufferin Avenue, London ON N6A 4L9</p> <p>Attention: Zeina Nsair, CPA, CGA</p> <p>Email: <a href="mailto:znsair@london.ca">znsair@london.ca</a></p> <p>Telephone: 519-661-2489 ex.4915</p>

<b>Contact information for the senior financial person in the Recipient organization (e.g., CFO, CAO) – to respond as required to requests from the Province related to the Agreement</b>	Name: Anna Lisa Barbon, CPA, CGA  Position: Deputy City Manager, Finance Supports and City Treasurer  Address: 300 Dufferin Avenue, London, ON N6A 4L9  Fax: N/A  Email: <a href="mailto:abarbon@london.ca">abarbon@london.ca</a> Telephone: 519-661-2489 x4705
<b>Recipient’s Canada Revenue Agency Business Number</b>	119420883
<b>Recipient’s TPON Registration ID</b>	12249

**Additional Provisions**

B.1 [intentionally deleted to preserve numbering]

B.2 The following subsection is added to section 5.1:

- (f) the Funds are being provided to the Recipient in furtherance of a public purpose as determined by the Province.

B.3 The following article is added following Article 5.0:

**6.0 EXECUTION AND TRANSMISSION**

- 6.1 Each of the signatories to this Agreement acknowledge that in providing their name on the applicable signature line in electronic form will constitute a signature for the purposes of the *Electronic Commerce Act, 2000, S.O. 2000, c. 17*, as amended.
- 6.2 The Agreement may be validly executed and delivered by means of transmission of signed facsimile or by email transmission of an electronically scanned original signature (such as in PDF file format).

B.4 The following definitions are added to section A1.2 in alphabetical order:

“**ESC**” means erosion and sediment control.

“**MFIPPA**” means the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario).

“**Payment Plan**” means the payment plan attached to the Agreement as Schedule “E”.

“**Proceeding**” means any action, claim, demand, lawsuit, or other proceeding that anyone makes, brings or prosecutes as a result of or in connection with the Project or with any other part of the Agreement.

“**TRCA**” means Toronto and Region Conservation Authority.

“**TPON**” means the Government of Ontario’s Transfer Payment Ontario system.

B.5 The following subsection is added to section A2.1:

- (e) it has and will continue to have for the term of the Agreement, adequate financial resources to cover normal operating expenses and be a going concern.

B.6 Subsection A2.2(b) is deleted and replaced by the following:

- (b) taken all necessary actions to authorize the execution of the Agreement including passing a municipal by-law authorizing the Recipient to enter into the Agreement.

B.7 The following section is added to Article A2.0:

A2.5 **TPON.** The Recipient represents, warrants, and covenants that:

- (a) it has completed its registration in TPON; and
- (b) it will update its information in TPON as needed to maintain accuracy.

B.8 Subsection A4.1(b) is deleted and replaced by the following:

- (b) provide the Funds to the Recipient in accordance with the Payment Plan, each payment being conditional upon the corresponding criteria being met and subject to adjustment pursuant to the terms and conditions of the Agreement including section A4.9; and

B.9 [intentionally deleted to preserve numbering]



B.10 The following subsection is added to section A4.2:

- (e) the Province is not obligated to provide any Funds to the Recipient until the Recipient provides evidence satisfactory to the Province that the Recipient's council has authorized the execution of this Agreement by the Recipient by municipal by-law.

B.11 [intentionally deleted to preserve numbering]

B.12 [intentionally deleted to preserve numbering]

B.13 Article A4.0 is amended by adding the following new sections:

**A4.7 Project Over Budget.** The Recipient acknowledges that should Project expenses exceed the amount of the Funds allocated in the Budget, the Province is not responsible for any additional funding and the Recipient undertakes to incur all further costs necessary to complete the Project.

**A4.8 Administration of a Social, Health Or Economic Program.** The Recipient acknowledges and agrees that the Funds being provided under this Agreement are for the purpose of the administration of social, health and/or economic programs and/or the provision of direct or indirect support to members of the public in connection with economic policy, and as such section 16 of the *Limitations Act, 2002* (Ontario) shall apply.

**A4.9 Intellectual Property.** The Province is not the owner of any intellectual property generated as a result of the Agreement.

**A4.10 Cash Flow Management.** In order to more accurately reflect the Recipient's anticipated cash flow needs (as conveyed to the Province), the Province may delay or divide any instalment of the Funds set out in the Payment Plan. If the instalment amount is so delayed or divided by the Province, the Recipient may request another payment by providing Notice to the Province including a cash flow forecast until the next Report is due and confirmation of the amount of the Funds already spent to date. The Province may provide another payment based on the information so provided.

**A4.11 Budget Flexibility.** Despite subsection A4.3(c), the Recipient may apply limited Budget flexibility as described in section D.2.1 of Schedule "D".

B.14 Article A5.0 is amended by adding the following new section:

**A5.3 Termination Provisions.** Further to section A5.1, if the Recipient acquires goods, services, or both, with the Funds, the Recipient will use best efforts to include in any associated agreement, a termination

provision that enables the Recipient to wind down the Project in a reasonable manner at minimal cost.

B.15 Article A7.0 is amended by adding the following new section:

**A7.7 Purpose of Receiving Reports.** For clarity, the Province receives Reports or other reports to confirm whether the Recipient is meeting the terms and conditions of the Agreement. The Province does not derive any advice, data or other benefit from such Reports or reports.

B.16 Subsection A8.1(a) is deleted and replaced by the following:

(a) acknowledge the support of the Province for the Project using the statement “This project has received funding support from the Government of Ontario. Such support does not indicate endorsement by the Government of Ontario of the contents of this material.”;

B.17 Article A8.0 is further amended by adding the following new sections:

**A8.3 Open Data.** Subject to applicable laws, the Recipient gives its consent to the Province for the public release of any information provided under this Agreement including but not limited to the following information, whether in hard copy or in electronic form, on the internet or otherwise: Recipient name, Recipient contact information, Recipient address or general location, amount of Maximum Funds, amount of Funds, Project description, Project objectives/goals, Project location, Project results reported by the Recipient, Budget and any analysis, audit or evaluation reports relating to the Project or to the Agreement performed by either Party.

**A8.4 Announcements.** The Recipient shall not publicly announce receiving the Funds or anything to do with the Agreement, including requesting the presence of the Minister of the Environment, Conservation and Parks at one or more Project events, until permitted by the Province.

**A8.5 Use of Ontario logo.** The Recipient may only use the Ontario logo by requesting and obtaining written approval from the Province. The placement of the logo on the Recipient’s materials will clearly identify the Government of Ontario as a funder, funding supporter or sponsor, and not as a partner or similar.

B.18 **Conjunctions.** Where any sections in this Agreement have been modified to add or delete an item from a list, the “and” or “or” conjunction used before the last item on the list shall be deemed to have been moved to the penultimate item on the modified list.

B.19 [intentionally deleted to preserve numbering]

B.20 Section A10.2 is deleted in its entirety and replaced with the following:

10.2 **Proof of Insurance.** The Recipient will:

- (a) provide to the Province, either:
  - (i) certificates of insurance that confirm the insurance coverage required by section A10.1; or
  - (ii) other proof that confirms the insurance coverage required by section 10.1; and
- (b) in the event of a Proceeding, and upon the Province's request, the Recipient will provide to the Province a copy of any of the Recipient's insurance policies that relate to the Project or otherwise to the Agreement, or both.

B.21 The following event is added to section A13.1:

- (e) the Recipient fails to respond to any inquiry of the Province pertaining to the *Public Sector Salary Disclosure Act, 1996* (Ontario).

B.22 The following consequence is added to section A13.2:

- (j) demand the repayment of an amount equal to, at the discretion of the Province, either the interest earned on the amount demanded under subsection (f), (g) or (h), or, in the event that the Recipient did not place the Funds in an interest bearing account in accordance with section A4.4, the interest imputed to be earned on such amount based on the then current interest rate charged by the Province of Ontario on accounts receivable, calculated from the date of the Event of Default;

B.23 The following subsections are added to section A16.1:

- (c) deduct from any further instalments of Funds an amount equal to, at the discretion of the Province, either the interest earned on the amount deducted under subsection (a) or, in the event that the Recipient did not place the Funds in an interest bearing account in accordance with section A4.4, the interest imputed to be earned on said amount based on the then current interest rate charged by the Province of Ontario on accounts receivable, calculated from the date of overpayment;
- (d) demand that the Recipient pay an amount to the Province equal to, at the discretion of the Province, either the interest earned on the amount deducted under subsection (b) or, in the event that the Recipient did not place the Funds in an interest bearing account in accordance with section A4.4, the interest imputed to be earned on said amount based on the then

current interest rate charged by the Province of Ontario on accounts receivable, calculated from the date of overpayment;

- (e) deduct the amounts referred to in both subsection (a) and (c) from any further instalments of Funds; or
- (f) demand that the Recipient pay an amount equal to the amounts referred to in both subsection (b) and (d).

B.24 Article A17.0 is amended as follows:

- (a) Each of sections A17.1, A17.2 and A17.3 in Article A17.0 of Schedule “A” is amended by deleting the word “fax” wherever it appears.
- (b) A new section is added following Section A17.3 (Postal Disruption):

A17.4 **Notice by Telephone.** For clarity, Notice may not be given or received by telephone, despite the inclusion of a telephone number (if any) in the table in Schedule “B”.

B.25 The following sections are added to section A28.1, Survival, in chronological order: subsection A2.1(c), section A4.7, section A4.8, section A4.9, section A8.3, section A8.5, subsection A13.2(j), Article A29.0, Article A32.0 and section A34.1.

B.26 The following new provisions are added following Article A28.0 (Survival)

#### **A29.0 FIRST NATION AND MÉTIS CONSULTATION**

A29.1 **Notification.** The Recipient agrees to immediately notify the Province if any First Nation or Métis community raises any concerns about the Project having a potential impact on protected rights.

#### **A30.0 ACCESSIBILITY**

A30.1 **Meetings and Events.** As the Funds are being provided to the Recipient for a public purpose and are public funds, in using the Funds for meetings, events or similar, the Recipient should consider the accessibility needs of attendees with disabilities, both in terms of physical access to the event/meeting space, as well as access to the event/meeting contents and proceedings. The Recipient will use best efforts to accommodate these needs.

A30.2 **Meetings and Events Examples.** For assistance with the Recipient’s commitment pursuant to section A30.1, examples of areas where accessibility should be considered include: refreshment and dietary arrangements; communications (e.g. alternate formats – large print, screen readers, Braille, audio format; assistive technologies); and venue selection.

A30.3 **Venues.** As the Funds are being provided to the Recipient for a public purpose and are public funds, in using the Funds for venues at which the public will be in attendance, the Recipient should consider the accessibility needs of attendees with disabilities when selecting a venue, both in terms of exterior and interior access. The Recipient will use best efforts to accommodate these needs.

A30.4 **Venue Examples.** For assistance with the Recipient's commitment pursuant to section A30.3, examples of areas where accessibility should be considered include: parking, sidewalks/paths of travel, accessible transit, entrances and lobbies, elevators, accessible washrooms, hallways and corridors, and meeting and conference rooms.

### **A31.0 ENVIRONMENTAL INITIATIVES**

A31.1 **Meetings.** As the Funds are being provided to the Recipient for a public purpose and are public funds, in using the Funds for meetings, the Recipient will use best efforts to hold virtual meetings instead of requiring attendees to travel to meetings in person.

A31.2 **Printing.** As the Funds are being provided to the Recipient for a public purpose and are public funds, in using the Funds for printing, the Recipient will use best efforts to:

- (a) minimize the need to print documents by scanning and e-mailing documents that might otherwise be printed;
- (b) print or copy double-sided and in black and white when printing or copying is necessary; and
- (c) purchase paper from environmentally responsible sources.

A31.3 **Environmentally Responsible Sources.** For assistance with the Recipient's commitments under subsection A31.2(c), environmentally responsible sources provide virgin bulk paper certified by third party verified forest certification systems such as Forest Stewardship Council, CSA Group or Sustainable Forest Initiative.

### **A32.0 PERSONAL INFORMATION and PARTICIPATION BY MINORS**

A32.1 **Permissions.** The Recipient represents, warrants and covenants that it has or will receive permission to disclose the personal information of all individuals whose personal information is disclosed in the Agreement or during the Project, Reports or other reports, and, in the case of minors, the legal guardian or parent has provided such permission on behalf of the minor.

**A32.2 Consent of Legal Guardian.** The Recipient acknowledges that it is the responsibility of the Recipient to obtain express written consent from the legal guardian of any minors who are involved in any way with the Project.

**A33.0** [intentionally deleted to preserve numbering]

**A34.0 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

**A34.1 MFIPPA.** The Province acknowledges that the Recipient is bound by MFIPPA and that any information provided to the Recipient in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with MFIPPA.

**- END OF ADDITIONAL PROVISIONS -**

## SCHEDULE “C” PROJECT

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### C.1 BACKGROUND

The Recipient has a population of over 400,000 and is located in the Western Lake Erie basin. Like many urban areas in Southern Ontario, the Recipient is experiencing growth and the construction that comes with it. An expanded urban footprint and construction activities can place stress on watersheds by modifying how water flows through the environment and can increase pollutant loadings to waterways.

#### Problem

Urban construction and development activities disturb vegetation and soil stability (e.g. bare exposed soil). These activities cause soil erosion and sediment discharges to stormwater systems and receiving water bodies that negatively impact water quality and the function of stormwater management infrastructure. Damage that comes from sediment moving off a construction site is a critical problem if it is not controlled and regularly maintained through erosion and sediment control (ESC, as defined above at B.4) at the construction site.

Construction soil erosion can have both on-site and off-site negative impacts such as:

- Excess nutrients released via sediments to water bodies, in turn impacting water quality through accumulation of nutrients and algal growth;
- Excess sediment makes the water turbid (cloudy), which prevents sunlight from penetrating the water and thus reduces photosynthesis and underwater vegetation, and negatively impacts fish and other aquatic lives;
- Excess sediment can build up in stream channels, lowering flow capacity. This may lead to more frequent flooding in areas that never or rarely flooded in the past;
- Excess sediment can have detrimental impacts to aquatic organisms in terms of suitable habitat, reproduction (e.g. fine silt smothering eggs), and health (e.g. abrasion, mortality);
- A financial burden on municipalities, conservation authorities and ultimately taxpayers for clean up of sediment-damaged areas, including municipal stormwater infrastructure;
- Loss of topsoil from the site;
- Loss of nutrient and fertility of remaining soil; and
- Loss of organic matter, which is associated with weaker soil and therefore greater risk of further erosion.

#### Pollution Prevention

Prevention of erosion is the best approach. All municipal approved projects include an ESC plan and monitoring program that is created by construction site owners and managers. Often, these plans do not follow the most recent industry guidance or are not fully implemented. The recent release of the updated Erosion and Sediment Control Guide for Urban Construction by the Toronto and Region Conservation Authority (TRCA, 2019) is an opportunity to provide up-to-date training to industry in efforts to



improve ESC plans and how well these plans are implemented during construction.

### Citizen Engagement

A lack of resources (human and financial) often limits the ability to inspect all construction sites during or after every precipitation event. This results in improper implementation of ESC plans and/or inadequate maintenance of ESC measures. A potential solution to the lack of resources is engaging concerned citizens or other stakeholders near construction sites to play a role in making sure ESC measures are in place and working properly. These concerned citizens could report problems to the Recipient with respect to ESC. Citizens and other stakeholders are well suited for this role because erosion can be easily detected by the public since it causes turbid water to flow along the roads into stormwater catch basins, excess sediment scattered on the road is very visible, and volunteer public “inspectors” are living everywhere in urban areas. The Recipient has an online system for public reporting of city issues to city staff (<https://service.london.ca/>) that could be adapted to enable public reporting of ESC issues.

## **C.2 PROJECT OBJECTIVE**

The Project educates construction site owners and managers on the latest ESC control practices and pilots a citizen engagement model to help reduce pollutant loadings (including phosphorus) from poor ESC practices.

The objectives of the Project are:

- Facilitate industry (developers, consultants, contractors and trades) understanding of TRCA’s updated ESC guide;
- Increase the public’s knowledge on the need for good ESC measures at construction sites for pollution prevention;
- Increase citizen engagement in pollution prevention and protecting Lake Erie from contaminated stormwater leaving construction sites;
- Create and pilot an electronic public reporting tool that citizens can use to report poor ESC measures at construction sites to the City of London;
- Improve defective or insufficient ESC measures at constructions sites; and
- Create and share a case study on the benefits and challenges of citizen engagement through electronic public reporting of poor ESC measures.

## **C.3 SCOPE OF PROJECT**

The Recipient will train construction site owners and managers on ESC best practices, deliver a public education campaign on ESC and create a reporting tool the public can use to report problems with ESC. The Project will be undertaken by the Recipient and service providers.

C.3.1 The Recipient will organize, host and facilitate ESC training to the development industry both within the local community and beyond, where feasible. This will update the industry’s understanding of current ESC standards to TRCA’s most recent Erosion and Sediment Control Guide for Urban Construction.



C.3.2 The Recipient will develop an online reporting tool that the public can use to report problems with ESC at construction sites.

C.3.3 The Recipient will develop and deliver a public education campaign to raise awareness within the local community on ESC at construction sites. The education campaign will cover:

- The importance of ESC at the construction sites for pollution prevention and its impacts on the environment, onsite and offsite;
- How to detect inadequate ESC control measures at construction sites (e.g. failed ESC measures, sediment plumes in water bodies, turbid runoff from construction sites, etc.); and
- Training on using the online reporting tool.

C.3.4 The Recipient will collect data on ESC reports through the online reporting tool and the resultant follow-up activities. The metrics tracked by the online reporting tool and the recourse actions/responses will be reported to understand the effectiveness of the reporting system and citizen engagement. This will be reviewed by Recipient staff to better understand the potential need for staff to be able to conduct regular ESC control inspections.

C.3.5 The Recipient will analyze results and create a case study that sets out the results, successes and challenges of the Project

C.3.6 The Recipient will communicate the case study through posting on the Recipient's website and other methods, where feasible (e.g. online webinar, conference) to share knowledge to a broad Ontario audience

## C.4 TIMELINES

The following are the timelines for the Project:

Project Activity/Sub-activity	Start Date	End Date
ESC training (Section C.3.1)	1-May-22	31-May-22
Create online reporting tool (Section C.3.2)	1-May-22	31-Aug-22
Public education campaign (Section C.3.3)	1-Feb-23	31-Oct-23
Data collection (Section C.3.4)	1-Sep-23	23-Feb-24
Case study (Section C.3.5)	2-Jan-24	23-Feb-24
Communicate case study (Section C.3.6)	1-Feb-24	23-Feb-24

## C.5 PROJECT PARTICIPANTS

The Project will be undertaken by the following Project team members:

Organization	Participant Name and Title	Role and responsibility of the participant/organization in the Project
City of London	Shawna Chambers, Division Manager	Project Sponsor
City of London	Adrienne Sones, Environmental Services Engineer	Project Manager
TBD	TBD	Training Service Provider
TBD	TBD	Communications/Marketing Provider
TBD	TBD	IT Consultant/Web Programmer

Should there be any changes to the above-noted Project team members, the Recipient will advise the Province forthwith. Changes include additions, replacements and vacancies.

## C.6 PERFORMANCE MEASURES AND TARGETS

### C.6.1 Scope Obligations

The following summarizes the goods, services or other outputs that the Recipient will be producing in undertaking the Recipient's Project.

Description of Products	Number (per C.3)
Number of training sessions for the development industry	1
Number of training session on use of the online reporting tool	1
Number of case studies	1
Number of online reporting tools	1

### C.6.2 Targets to Measure Success

In carrying out the Project, the Recipient will use the following measures and aim to meet the following targets to measure its success in meeting the Project objective(s):

Objective(s)	Performance Measures	Performance Targets
Increase the public's knowledge	Number of ECS reports to the public reporting tool	15
Improve ESC measures at construction sites	Number of corrections to ESC measures at construction sites as a result of reports through the public reporting tool	15

**- END OF PROJECT DESCRIPTION AND TIMELINES -**

**SCHEDULE "D"**  
**BUDGET**

**D.1 BUDGET TABLE**

Project Expenditures	A Project budget	B Amount from the Funds	Other Contributions				G Balance to be secured
			C Recipient	D Cash	E In-kind	F Requested	
<b>SERVICES</b>							
Training Sessions – 2022 and 2023 (C.3.1 and C.3.3)	\$14,500.00	\$10,000.00	\$4,500.00	\$0.00	\$0.00	\$0.00	\$0.00
Development of Online Tool (C.3.2)	\$10,000.00	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00
Communications and Marketing (C.3.3)	\$10,000.00	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Sub-total</b>	<b>\$34,500.00</b>	<b>\$20,000.00</b>	<b>\$14,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TRAVEL AND HOSPITALITY</b>							
Food and beverage (refreshments) for 30 people – 2022/2023 Training Sessions (C.3.1 and C.3.3)	\$500.00	\$0.00	\$500.00	\$0.00	\$0.00	\$0.00	\$0
<b>Sub-total</b>	<b>\$500.00</b>	<b>\$0.00</b>	<b>\$500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTALS</b>	<b>\$35,000.00</b>	<b>\$20,000.00</b>	<b>\$15,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

## D.2 NOTES TO BUDGET TABLE

### D.2.1 Budget Table Columns

- (a) **Total Project Amount.** In the event that the budget for the Project exceeds the total amount for column A by 20%, the Recipient will notify the Province forthwith.
- (b) **Standard Budget Flexibility.** The Recipient may move Funds between expense lines in column B, Amount from the Funds, in the Budget table in section D.1 without approval from the Province, except as limited below:
  - (i) Funds in column B, Amount from the Funds, cannot be moved to any expense lines under the Budget category “Other” (if any);
  - (ii) The Recipient may not reduce the Funds allocated to any expense line by more than ten percent (10%) of its allocation as shown in the Budget table; and
  - (iii) The Recipient may not increase the Funds allocated to any expense line by more than twenty percent (20%) of its allocation as shown in the Budget table.
- (c) [intentionally deleted to preserve numbering]
- (d) [intentionally deleted to preserve numbering]
- (e) [intentionally deleted to preserve numbering]
- (f) [intentionally deleted to preserve numbering]
- (g) [intentionally deleted to preserve numbering]
- (h) **Acknowledgement.** The Province acknowledges that the Recipient may, in its sole discretion, reallocate the amounts in columns C, D, E and F, among the expense lines in the Budget table. The Recipient acknowledges that should such reallocations be made, the Province may reassess its contribution to the Project and take such actions as permitted in accordance with the Agreement.

### D.2.2 Expense Eligibility

The following Budget notes are intended to provide clarity to the Recipient on how the Funds may be spent.

- (a) **Ineligible costs** – For clarity, in addition to any other costs identified or described as ineligible in the Agreement, the following is a non-exhaustive list of costs for

which the Province will not provide any Funds, unless explicitly stated otherwise in this Agreement:

- (i) **Fundraising** – any costs related to developing a business case, funding proposal or other activity with a similar aim;
  - (ii) **Lobbying** – any costs related to activities undertaken with the actual or perceived intention of lobbying;
  - (iii) **Non-Project costs** – any costs not directly related to the Project;
  - (iv) **Pre-Project costs** – any costs incurred prior to the Effective Date;
  - (v) **Purchase of equipment or capital items** – tangible property that has a lifespan longer than one year or the length of the Project, whichever is less, but does not include consumables or items with a value less than \$100;
  - (vi) **Overhead** – fixed or variable costs incurred by the Recipient regardless of the Project (e.g. mortgage, rent, insurance, hydro for the Recipient’s regular operations, except for staff);
  - (vii) **Honoraria** – amounts voluntarily paid by the Recipient for services or other contribution to the Project;
  - (viii) **Refundable expenses** – costs deemed ineligible in accordance with section A4.6 of Schedule “A”; and
  - (ix) Any costs which the Province informs the Recipient it considers, in its sole discretion, to be an inappropriate expenditure of public funds.
- (b) **Hospitality-Public meetings/events** (under “Travel and Hospitality”) – The Recipient may use the Funds for hospitality, defined as the provision of food or beverages during Project meetings/events held with the public. If the Funds are being used to pay for meals during public Project meetings or events, the amount from the Funds used for these meals will be calculated according to the rates in the [Ontario Government’s Travel, Meal and Hospitality Expenses Directive](#) that is current as of the date that the expense is incurred. If the Funds are being used to pay for non-meal food and beverages (e.g. coffee, water, snacks) during public Project meetings or events the amount from the Funds used for these non-meal expenses can be up to the following maximums: \$5/day per person for a half-day public Project meeting/event or \$10/day per person for a full day public Project meeting/event. **The Recipient may only use the Funds for hospitality if it is collecting and retaining itemized receipts that verify the expenditure.** In addition, **the Funds under this Budget line may not be used for:**
- alcohol;
  - meals (breakfast, lunch and dinner) or non-meal food and beverages outside of public Project meetings/events; or

- food and beverages already covered under another line in the Budget table in section D.1.
- (c) **Services** – Costs for services may include reasonable disbursements in addition to fees.

### **D.2.3 Pre-Agreement Procurements**

- (a) [intentionally deleted to preserve numbering]

**- END OF BUDGET -**

**SCHEDULE "E"**  
**PAYMENT PLAN**

**E.1 PAYMENT TABLE**

<b>CRITERIA</b>	<b>AMOUNT</b>
Following Province execution of Agreement evidencing approval of Recipient Project proposal	\$10,000.00
Following Province approval of first interim progress report and first financial progress report as set out in Schedule "F"	\$8,000.00
Following Province approval of final report as set out in Schedule "F"	\$2,000.00
<b>TOTAL</b>	<b>\$20,000.00</b>

**NOTE: The amounts above may be adjusted pursuant to the terms and conditions of the Agreement, including section A4.9 (as found in section B.13 of Schedule "B").**

**- END OF PAYMENT PLAN -**



## SCHEDULE “F” REPORTS

### F.1 REPORT TABLE

Name of Report	Due Date
1. Additional Funding Report(s)	An on-going obligation of the Recipient following the Recipient's receipt of notification that it will be receiving additional funding for the Project
2. Procurement Report(s)	Immediately following selection of preferred proponent if applicable
3. Interim Progress Report(s)	#1 - 02/17/2023
4. Financial Progress Report(s)	#1 - 02/17/2023
5. Final Report	02/23/2024
6. Reports as specified from time to time	On a date or dates specified by the Province.

### F.2 REPORT DUE DATE

Except as noted below, if the due date of any Report falls on a non-Business Day, the due date is deemed to be the next Business Day.

For any Report due on March 31 in a year when March 31 is not on a Business Day, the due date of such report is deemed to be the Business Day immediately prior to March 31.

### F.3 REPORTING TEMPLATES

When reporting to the Province, the Recipient will use the templates provided by the Province (if any).

### F.4 SUPPORTING DOCUMENTATION

For clarity, the Province may request supporting documentation from the Recipient as part of the Reports submitted as described in this schedule.

## **F.5 REPORT DETAILS**

**F.5.1 Additional Funding Reports.** Additional Funding Reports will set out:

- (a) an accounting of any other funding received or to be received by the Recipient if not already set out in the Agreement, including the identification of the funding organization, the amount and the specific aspect of the Project that the additional funding is supporting; and
- (b) confirmation that there is no overlap of funding from the Province and from the other funding entities.

**F.5.2 Procurement Reports.** Procurement Reports will set out:

- (a) a description of the procurement process followed by the Recipient to acquire goods or services required to perform the Project; and
- (b) a justification for the selection of the preferred proponent which evidences value for money, including, if applicable, confirmation from the supplier that they are the sole supplier of the goods.

**F.5.3 Interim Progress Reports.** Interim Progress Reports will set out:

- (a) actions undertaken to the date of the report including key milestones achieved, with reference to specific paragraphs of section C.3 (Scope of Project) including the performance measures listed in section C.6.1;
- (b) progress achieved to date on the performance targets listed in section C.6.2 and how they relate to the objective(s)/desired outcomes of the Project identified in section C.2;
- (c) for any staff position covered in whole or in part by some or all of the Funds, confirmation of the time spent by the staff person on the Project;
- (d) any variances from the timelines, the reasons for such variances and the strategy used to correct the variances; and
- (e) a statement confirming the Recipient is in compliance with the terms and conditions of the Agreement except as disclosed in the interim progress report, signed by the Chief Operating Officer, the Board chair or equivalent.

**F.5.4 Financial Progress Reports.** Financial Progress Reports will set out:

- (a) an interim accounting of all Project expenditures to date (both as a whole and specifically from the Funds) signed by the Chief Financial Officer, the Board chair or equivalent, confirming actual Project expenditures and providing an explanation for any variances from the Budget;

- (b) identification of Funds reallocated in accordance with section A4.10 (as found in section B.13), including rationales for the reallocations;
- (c) an accounting of any other funding received by the Recipient, the identification of the funding organization, the amount and the specific aspect of the Project that the additional funding is supporting as well as a statement confirming that there is no overlap of funding from the Province and from any other organization; and
- (d) a high-level monthly spending forecast (e.g. total per month) for the remainder of the Project.

**F.5.5 Final Report.** The Final Report will set out:

- (a) actions undertaken in carrying out the Project including key milestones achieved, with reference to specific paragraphs of section C.3 (Scope of Project) including the performance measures listed in section C.6.1;
- (b) a description of to what extent the performance targets listed in section C.6.2 were met;
- (c) a description of to what extent the Project objectives/desired outcomes as identified in section C.2 were met and set out lessons learned;
- (d) for any staff position covered in whole or in part by the some or all of the Funds, confirmation of the time spent by the staff person on the Project;
- (e) a final accounting of all Project expenditures (both as a whole and specifically from the Funds) signed by the Chief Financial Officer, the Board chair or equivalent, confirming actual Project expenditures and providing an explanation for any variances from the Budget;
- (f) an accounting of any unspent Funds and an explanation as to why there are remaining Funds;
- (g) an accounting of any interest earned in accordance with section A4.4;
- (h) identification of Funds reallocated in accordance with section A4.10 (as found in section B.13), including rationales for the reallocations;
- (i) a final accounting of the other funding received by the Recipient, the identification of the funding organization, the amount and the specific aspect of the Project that the additional funding supported as well as a statement confirming that there has been no overlap of funding from the Province and from any other organization; and

- (j) a statement signed by the Chief Operating Officer, the Board chair or equivalent confirming Recipient compliance with the terms and conditions of the Agreement, except as disclosed in the final report.

F.5.6 **Other Reports.** The Province will specify the timing and content of any other Reports as may be necessary.

**- END OF REPORTING -**

Bill No. 127  
2022

By-law No. A.-\_\_\_\_\_ -\_\_\_\_

A by-law to approve a limiting distance agreement between the Corporation of the City of London and Chantal Jacoba McQueen and Paul Matthew McQueen for the property at 34 Princeton Terrace and to delegate authority to the Deputy City Manager, Environment and Infrastructure, to execute the agreement on behalf of the City of London as the adjacent property owner.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient for The Corporation of the City of London (the "City") to enter into a limiting distance agreement with Chantal Jacoba McQueen and Paul Matthew McQueen for the property at 34 Princeton Terrace (the "Agreement");

AND WHEREAS it is appropriate to delegate authority to the Deputy City Manager, Environment and Infrastructure, to execute the agreement on behalf of the City of London as the adjacent property owner;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Agreement substantially in the form attached as Schedule "A" to this by-law and to the satisfaction of the Deputy City Manager, Legal Services, being limiting distance agreement between the Corporation of the City of London and Chantal Jacoba McQueen and Paul Matthew McQueen for the property at 34 Princeton Terrace, is hereby APPROVED.
2. The Deputy City Manager, Environment and Infrastructure, is hereby authorized to execute the Agreement approved under section 1 of this by-law on behalf of the City of London as the adjacent property owner.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council, March 22, 2022

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First reading – March 22, 2022  
Second reading – March 22, 2022  
Third reading – March 22, 2022

## SCHEDULE "A"

**Chantal and Paul McQueen:** Owners of lands which require the no-build agreement to allow for an unrated wall construction and unprotected glazed openings.

**The Corporation of the City of London:** Adjacent property owner granting no-build on their property.

**THIS AGREEMENT** made in duplicate this 07 day of February 2022

**BETWEEN:**

**Chantal and Paul McQueen** (hereinafter called the "OWNER") of the FIRST PART  
and

**The Corporation of the City of London** (hereinafter called the "CITY") of the SECOND PART  
and

**The Corporation of the City of London** (hereinafter called "ADJACENT OWNER") of the THIRD PART.

**WHEREAS** the Owner is the registered owner of the lands also described in Schedule "A" (the "Owners' Lands");

**AND WHEREAS** the Adjacent Owner is the registered owner of lands described in Schedule "A" (the "Adjacent Lands");

**AND WHEREAS** the Owner's Lands abut and are immediately to the north and west of the Adjacent Lands;

**AND WHEREAS** the Owners have applied to the City for permission to be exempted from certain provisions of the Ontario Building Code pertaining to glazing and fire rating in the wall of a house to be constructed on the Owners' Lands;

**AND WHEREAS** the south property line of the Owners' Lands will abut the Adjacent Lands;

**AND WHEREAS** the City wishes to ensure that no building will be erected on the Adjacent Lands within 1.9 metres from the south property line of the Owners' Lands;

**NOW THEREFORE THIS AGREEMENT WITNESSES** that in consideration of the sum of TWO DOLLARS (\$2.00) and other good and valuable consideration now paid by each of the parties hereto to the other, the receipt and sufficiency of which is hereby acknowledged, the City, the Owner and Adjacent Owner hereby covenant and agree as follows:

1. The Adjacent Owner irrevocably agrees with the Owner not to construct any building or structure within 1.9 metres from the south property line of the Owners' Lands; failing which, the Adjacent Owner shall be fully liable for all costs of the work to be performed pursuant to the requirements of the Ontario Building Code.
2. The Adjacent Owner acknowledges and agrees that the 1.9 metre line as established by this agreement shall be the "limiting distance" for the purposes of the determining glazing or fire rating on the wall as required by the Building Code, of the north face of any building subsequently erected on the Adjacent Lands.
3. For the purposes of this agreement, "limiting distance" shall mean a line 1.9 metres from the south property line of the Owners' Lands
4. This restriction shall run with the Owners' Lands and the Adjacent Lands and shall bind all Parties hereto, their successors and assigns.

5. The Owners covenant and agree with the City that the Owners will forthwith bring the south wall of the house into compliance, as is prescribed by the Ontario Building Code then in effect, coincidental with the construction of any building or structure upon the Adjacent Lands, which is located 1.9 metres from the south property line of the Owners' Lands

6. Removal of this agreement from the title of either property shall require the written agreement of all parties (or their heirs or assigns) to this agreement.

**IN WITNESS WHEREOF** the parties hereto have hereunto duly executed this agreement.

**SIGNED AND DELIVERED** in the presence of:

**OWNERS**



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**THE CORPORATION OF THE CITY OF LONDON**

Per:

\_\_\_\_\_  
Peter Kokkoros, P.Eng. Director, Building and Chief Building Official  
Authorized Officer

**ADJACENT OWNER: THE CORPORATION OF THE CITY OF LONDON**

Per:

\_\_\_\_\_  
Kelly Scherr, Deputy City Manager, Environment and Infrastructure  
Authorized Officer

**Schedule "A"**

**Owner's Lands:** 34 Princeton Terrace, London, ON, N6K 0L5  
Lot 38, Plan 33M-811; London

**Adjacent Lands:** Block 45, Plan 33M-811, part of CON 1 PT LOT 44; London







Bill No. 128  
2022

By-law No. A.- \_\_\_\_ - \_\_\_\_

A by-law to accept the farmland lease bids for Request for Tender No. 2022-018, and approve and authorize the Mayor and the City Clerk to execute the Agreements with each successful proponent.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient for The Corporation of the City of London (the "City") to enter into an Farm Land Lease Agreement with each successful proponent in Request for Tender No 2022-018 (the "Agreements");

AND WHEREAS it is appropriate to authorize the Mayor and the City Clerk to execute the Agreements on behalf of the City;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Agreement attached as Schedule "A" to this by-law, being a Farm Land Lease Agreement between the City and each successful proponent in Request for Tender 2022-018 is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute the Agreements authorized and approved under Section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading - March 22, 2022  
Second Reading – March 22, 2022  
Third Reading - March 22, 2022

## Schedule A

### FARM LAND LEASE

Between:

(the "Tenant")

and

The Corporation of the City of London (the "City")

In consideration of the rent, covenants and agreements herein contained on the part of the Tenant to be paid, observed and performed, the City leases to the Tenant and the Tenant leases from the City the lands described as \_\_\_\_\_ as shown on *the attached Schedule "A"* ( the "Lands") subject to the terms and conditions set out in this Lease Agreement:

#### **THE TENANT COVENANTS AND AGREES AS FOLLOWS:**

1. The term of this Lease Agreement shall be for ( ) year, with no option for renewal, commencing on 2022 and ending on 202 .
2. Rent shall be the sum of (\$ .00 plus H.S.T) per annum payable to the City Treasurer by June 1<sup>st</sup> of each year of the agreement. The Tenant shall pay rent without demand.
3. To use the Lands for agricultural purposes only and not to carry out or permit to be carried out upon the Lands any business that may be deemed a nuisance to or disturbance of the occupiers or owners of the adjoining lands and to carry on the operation of the business using proper farming methods including adequate application of fertilizers and crop rotation in order to keep the soil in good productive condition.
4. Not to assign this Lease Agreement without written consent, which consent may not be unreasonably withheld.
5. To comply with all applicable laws, by-laws, and regulations of every federal, provincial or municipal department or organization.
6. To remove, before they go to seed, all weeds upon the Lands during the term of this Lease Agreement.
7. To keep the Lands neat and tidy, and to remove all ashes and rubbish.
8. To construct no buildings or structures on the Lands.
9. To indemnify and hold the City harmless from and against all liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part by any acts or omissions either in negligence or in nuisance whether willful or otherwise by the Tenant, or other persons for whom the Tenant is responsible.
10. At its own expense, obtain and maintain
  - i) Liability Insurance covering farm operations in a form satisfactory to the City Solicitor in an amount not less than Five Million Dollars (\$5,000,000.) This policy shall also include pollution liability for injury or damage arising from farming operations on or off the Lands and shall include the City as an additional insured with respect to the Tenant's operations and obligations under this Lease Agreement;

- ii) Standard farm property insurance covering produce, livestock, machinery and equipment owned or leased by the Licensee, such policy shall include a waiver of subrogation in favour of the City; and;
  - iii) Automobile liability insurance for an amount not less than Two Million (\$2,000,000.) dollars on forms meeting statutory requirements covering all vehicles used in any manner in connection with the performance of the terms of this Lease Agreement.
  - iv) The above-mentioned insurance shall not be cancelled or permitted to lapse unless the insurer notifies the City in writing at least thirty (30) days prior to the date of cancellation or expiry. The Tenant will provide that evidence of such insurance shall be delivered to the City at inception of this Lease Agreement and thereafter promptly on the insurance renewal date.
  - v) The City reserves the right to request, from time to time, such higher limits of insurance or other types' of policies appropriate to this Lease Agreement as the City may reasonably require.
11. To take good care of the Lands, to ensure that the farming of the Lands and maintaining of improvements thereon is performed in a careful and prudent manner, and to ensure that the condition in which the Tenant found it, notwithstanding ordinary wear and tear or unavoidable casualties which are not the fault of the Tenant.
  12. To allow the City the right to enter upon the Lands to inspect, to make improvements thereon, and for any and all lawful purposes arising from the ownership of the farm so long as it does not interfere with the rights of the Tenant as provided in this Lease Agreement.
  13. The City may terminate this Lease Agreement on sixty (60) days written notice should the Lands be required for municipal purposes.
  14. In the event that the Tenant fails to comply with any term of this Lease Agreement, the City may terminate the privilege and contract herein granted at any time by giving notice in writing to the Tenant specifying the nature of the default and upon expiration of thirty (30) days following delivery of such notice, the default has not been cured, this Lease Agreement shall at the option of the City cease and be at an end. Any waiver by the City of any breach by the Tenant of any provisions of this Lease Agreement shall be without prejudice to the exercise by the City of all or any of its rights or remedies in respect of any continuance or repetition of such breach.
  15. Should any crop be lost through cancellation of this Lease Agreement pursuant to Clause 13, if all of the Lands are required by the City then all rent paid will be refunded. Should only part of the Lands be required by the City, then as compensation for any crop lost on the affected part, rent paid will be refunded on a prorated basis, with the percentage of rent paid to be refunded based on and equal to the percentage of land required by the City. Any rent owing for the period subsequent to the termination until the end of the Lease Agreement will be paid for the remaining parcel on a prorated basis and it is understood by the Tenant that the said refund shall be accepted by the Tenant as full compensation for any such loss of crops, including lost revenue, and all money spent on the production of said crops (including but not limited to, costs of labour, machinery, fertilizer, seed and fuel).
  16. Should cancellation of this Lease Agreement pursuant to clause 13 occur subsequent to the harvesting of crops, if all of the Lands are required by the City, then any rent paid for the period subsequent to termination shall be refunded on a prorated basis, and any rents not paid for the period prior to termination shall become due and owing on the date of payment specified in this Lease Agreement on a prorated basis. If only part of the Lands is required by the City, any refund will be prorated based on the percentage of the Lands required by the City, and any rent owing for the period prior to termination will be paid based on

all of the Lands, and any rent owing for the period subsequent to termination until the end of the Lease Agreement will be paid for the remaining portion of the Lands on a prorated basis.

17. The Tenant Agrees to provide a Farm Business Registration Number to support Farm Property Class Tax Rate Program and related eligibility requirements. The Tenant further agrees to provide certification of farming activities in support of the City's related applications under the Program.
18. In the final year of this agreement, after the last crop is harvested and prior to December 1<sup>st</sup>, the tenant agrees to fall till the lands.
19. All notices which may be necessary or proper for either party to serve upon the other, shall be effectively served if sent postage prepaid to the following addresses:

City's Address:  
Manager of Realty Services  
P.O. Box 5035  
London ON N6A 4L9

Tenant's Address:

IN WITNESS WHEREOF the Tenant has affixed its corporate seal, attested by the hands of its duly authorized officers, this \_\_\_\_\_ day of \_\_\_\_\_, .

\_\_\_\_\_

\_\_\_\_\_

Bill No. 129  
2022

By-law No. A.- \_\_\_\_\_ - \_\_\_\_\_

A by-law to approve and authorize the Mayor and City Clerk to execute the Licence Renewal Agreement.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient for The Corporation of the City of London (the "City") to enter into a Licence Renewal Agreement (the "Agreement");

AND WHEREAS it is appropriate to authorize the Mayor and the City Clerk to execute the Agreement on behalf of the City;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Agreement attached as Schedule "A" to this by-law, being a Licence Renewal Agreement is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute the Agreement authorized and approved under Section 1 of this by-law.

This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

**SCHEDULE "A"**

HYDRO CORRIDOR Licence Renewal (rec.) March 2021

**LICENCE RENEWAL AGREEMENT – (RECREATIONAL)**

**BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
as represented by THE MINISTER OF GOVERNMENT  
AND CONSUMER SERVICES**

(hereinafter called the "Licensor")

- and -

**THE CORPORATION OF THE CITY OF LONDON**

(hereinafter called the "Licensee")

**WHEREAS:**

- A. Ontario Infrastructure and Lands Corporation acting as agent on behalf of Her Majesty the Queen in right of Ontario as represented by The Minister of Infrastructure (previously the Minister of Economic Development, Employment and Infrastructure) now the Minister of Government and Consumer Services entered into a Licence Agreement with the Licensee, dated July 11, 2014 (the "Licence Agreement"), regarding certain lands located in the City of London, in the County of Middlesex, described as Part of Lot 7, Concession C, comprising an area of approximately 4.0 acres, (the "Licence Lands") for public recreational purposes only;
- B. The Minister of Government and Consumer Services is responsible for certain aspects of government real property pursuant to the *Ministry of Infrastructure Act*, S.O. 2011, c. 9, Sched 27;
- C. Ontario Infrastructure and Lands Corporation confirms that it is the designated agent of the Minister of Government and Consumer Services with authority to act in respect of the Licence Agreement.

**IN CONSIDERATION** of the mutual covenants hereinafter set forth and the sum of two dollars (\$2.00) paid by the Licensee to the Licensor, the receipt whereof is hereby acknowledged, and other good and valuable consideration, the Licensor and the Licensee agree as follows:

- 1. The Licence Agreement is hereby renewed, subject to the terms set out below.
- 2. "Licensor" shall mean Ontario Infrastructure and Lands Corporation acting as agent on behalf of Her Majesty the Queen in right of Ontario as represented by the Minister of Government and Consumer Services.
- 3. The Term of the Licence Agreement shall be five (5) years, commencing on the 1<sup>st</sup> day of January, 2022.

HONI File #: LONDON C 632.1-501

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4. The Licensee shall pay to the Licensor an amount equal to Fifty percent (50%) of the annual realty taxes or grants and/or payments in lieu thereof payable with respect to the Licence Lands, as owned by the Licensor and used by the Licensee pursuant to the Licence Agreement for the purposes stated herein.
5. The Licensor's address for service of notice pursuant to the notice section of the Licence Agreement and other related particulars are amended as follows:

Ontario Infrastructure and Lands Corporation  
Real Estate Transactions  
1 Dundas Street West, Suite 2000  
Toronto, Ontario  
M5G 1Z3

Attention: Director, Hydro Land Transactions  
Telephone: (437) 537-5511  
Facsimile: (416) 327-3942

With a copy to:

Attention: Director, Legal Services (Real Estate)  
1 Dundas Street West  
Suite 2000  
Toronto, ON M5G 1Z3  
Facsimile: 416-327-3376

6. All terms which are defined in the Licence Agreement shall have the same meaning when used in this Licence Renewal Agreement unless they are amended herein.
7. Except as they may be amended by this Licence Renewal Agreement, all of the terms and conditions of the Licence Agreement shall apply to the renewed Term and shall be binding upon and enure to the benefit of the Licensor and the Licensee.
8. This Licence Renewal Agreement may be offered and accepted by electronic or facsimile transmission and by different parties in separate counterparts, each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one and the same agreement. Delivery by facsimile or by electronic transmission in portable document format of an executed counterpart is as effective as delivery of an originally executed counterpart. Any party delivering an executed counterpart by facsimile or by electronic transmission in portable document format (PDF) shall also deliver an originally executed counterpart within seven (7) days of the facsimile or electronic transmission, but the failure to deliver an originally executed copy does not affect the validity, enforceability or binding effect.
9. The Licensee acknowledges that this Agreement and any related information, documents and/or Data (as defined in the Open Data Directive) may be released pursuant to the *Freedom of Information and Protection of Privacy Act (Ontario)* or the Open Data Directive issued under the *Management Board of Cabinet Act (Ontario)*, as each may be amended or replaced from time to time.

IN WITNESS WHEREOF the parties hereto have executed this Licence Renewal Agreement.

Signed by the Licensee at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**THE CORPORATION OF THE CITY OF LONDON**

Per: \_\_\_\_\_

Name:

Title:

Per: \_\_\_\_\_

Name:

Title:

I/We have authority to bind the Corporation

Signed by the Licensor at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO as represented by THE MINISTER OF GOVERNMENT AND CONSUMER SERVICES, as represented by ONTARIO INFRASTRUCTURE AND LANDS CORPORATION**

Per: \_\_\_\_\_

Name:

Title:

Authorized Signing Officer

HONI File #: LONDON C 632.1-501

Bill No. 130  
2022

By-law No. A.- \_\_\_\_\_ - \_\_\_\_

A by-law to authorize and approve an Agreement between The Corporation of the City of London and Hutton House Association for Adults with Disabilities, to create a Food Hub at Cavendish Park, 136 Cavendish Crescent, and to authorize the Mayor and the City Clerk to execute the Agreement.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient for The Corporation of the City of London (the "City") to enter into an Agreement with Hutton House Association for Adults with Disabilities (the "Agreement");

AND WHEREAS it is appropriate to authorize the Mayor and the City Clerk to execute the Agreement on behalf of the City;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Agreement attached as Schedule "A" to this by-law, being an Agreement between the City and Hutton House Association for Adults with Disabilities for the creation of a Food Hub at Cavendish Park, 136 Cavendish Crescent, is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute the Agreement authorized and approved under Section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

**Schedule A**

**LICENSE AGREEMENT**

**THIS AGREEMENT** made in triplicate this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

**BETWEEN**

**The Corporation of the City of London  
(hereinafter called the "City")**

**And**

**Hutton House Association for Adults with Disabilities  
(hereinafter called the "Licensee")**

**1. License to Use:**

The City grants to the Licensee the exclusive license for use of the Site as a "FoodHub", for the sole purpose as set out in Schedule "A".

**2. Term:**

The term of this agreement shall commence on April 1, 2022 and extend until December 31, 2027.

**3. Termination - By either Party:**

The City or Licensee may terminate this agreement upon sixty days' written notice for any reason. Such termination shall be without penalty. Upon termination the Licensee shall within sixty days of the written notice remove all buildings, structures, gardens beds, signage, debris, etc and make good the level gravel surface of the works yard at the licensee's expense.

In the event of termination, the City shall provide the Licensee with reasonable time to claim the personal property of the Licensee or the Licensee's Group. In the event that such personal property is not claimed within a reasonable time, and in any event no later than 60 days from the date of termination, all such personal property shall become the property of the City and the City may dispose of such property as in its sole discretion it sees fit.

**4. License Fee:**

The Licensee shall pay the City \$2.00 Dollars as a license fee payable in advance to the City Treasurer before the first day of the term of this agreement. The fees will be reviewed annually and amended as reasonably determined by the City.

**LICENSEE'S OBLIGATIONS**

**5. Responsible for Licensee's Group:**

The Licensee shall be responsible for all members of the group affiliated with the Licensee and any person for whom the Licensee is at law responsible, including invitees ("Licensee's Group").

**6. Abide by all Laws, By-laws, Rules, Regulations and Policies:**

The parties agree that this agreement does not confer any interest to any person in the Site or the property of the City.

The Licensee agrees that all structures built or installed on the Site shall comply with the applicable zoning for the Site.

The Licensee agrees to obtain all necessary permits and approvals, including but not limited to those required by the City and the Upper Thames River Conservation Authority, as required.

**7. The Licensee shall ensure that:**

- 1) no dangerous materials including, but not limited to, flammable or explosive materials are brought onto the Property or Site;
- 2) vehicles parked on the Property are located in designated parking areas only;
- 3) there is no drinking of alcohol or open containers of alcohol on the Property;
- 4) there is no smoking or use of tobacco or marijuana in any form in the Property;
- 5) there is no posting or displaying offensive or illegal material;
- 6) there is no use of open flames;
- 7) the Site is used only for the use as defined in this agreement and particularly in Schedule "A"; and,
- 8) there is no inappropriate activity, as determined in the sole opinion of City staff.

**8 Insurance:**

- (a) Throughout the term of this agreement, the Licensee shall obtain and maintain the insurance coverage shown below:
- (i) Third party general liability insurance covering all claims for property damage and bodily injury, including death, arising out of the use and occupation of the Property by the Licensee. Such policy shall include the City as an additional insured with respect to this agreement and be in an amount not less than Five Million (\$5,000,000.00) Dollars including personal injury liability, broad form property damage liability, contractual liability, owners and contractors protective liability, non-owned automobile liability, contingent employer's liability, and shall contain a severability of interests clause and cross-liability clauses;
  - (ii) "All risks" property insurance (including earthquake, flood and collapse) in an amount equal to one hundred percent (100%) of the full replacement cost, insuring (1) all property owned by the Licensee, or for which the Licensee is legally liable, or installed by or on behalf of the Licensee, and located within the Building, including, but not limited to, fittings, installations, alterations, additions, partitions and all other Leasehold Improvements and (2) the Licensee inventory, furniture and movable equipment; such policy shall include a waiver of subrogation in favour of the City;
- (b) The Licensee shall not do, omit to do, or permit to be done or omitted to be done in or on the Property anything that may increase premiums or void coverage under the property insurance policies carried by the Licensee or any other Tenant, Licensee or Landlord on the Property described in this agreement.
- (c) The insurance described in (i), (ii) (iii) and (iv) above shall not be cancelled or permitted to lapse unless the City is notified in writing at least thirty (30) days prior to the date of the cancellation. The Licensee shall provide evidence of such insurance (Certificate of Insurance) delivered to the City promptly at inception of this agreement and thereafter prior to the insurance renewal date.
- (d) The City reserves the right to request such higher limits of insurance or other types of policies appropriate to this agreement as the City may reasonably require.
- (e) Failure to satisfactorily meet these conditions relating to insurance shall be deemed a breach of this agreement.

## **7. Indemnification:**

The Licensee agrees to protect, defend, indemnify and save the City harmless from and against:

- (a) All liability, loss, claims, demands, actions, proceedings, fines or penalties, including any costs and expenses incurred by the City thereby, including reasonable legal fees, for loss, damage or injury, including death, to any person or persons and to any property arising in connection with this license as a result of any act or omission of the Licensee or the group represented by or affiliated with the Licensee or their members, officers, employees, agents or contractors, invitees, or other persons for whom the Licensee is at law responsible; and
- (b) Any claim or finding that any of the Licensee, the Licensee's employees or persons for whom the Licensee is at law responsible are employees of, or are in any employment relationship with the City or are entitled to any Employment Benefits of any kind; and,
- (c) Any liability on the part of the City, under the Income Tax Act (Canada) or any other statute (including, without limitation, any Employment Benefits statute), to make contributions, withhold or remit any monies or make any deductions from payments, or to pay any related interest or penalties, by virtue of any of the following being considered to be an employee of the City from Licensee: Licensee's employees or others for whom Licensee is at law responsible in connection with the licensing of the Premises or otherwise in connection with Licensee's operations.

## **8. Harmful Substances - No Alterations:**

- (a) The Licensee acknowledges that the Property may contain toxic or harmful substances.
- (b) The Licensee and the Licensee's Group shall not make any alterations to the Property, without the prior written express approval of the City. Alterations that shall not be made without such approval include, but are not limited to: disturbing the ground.
- (c) The Licensee shall advise any person utilizing the Property of subsections and (b) of this agreement.

## **9. Not Use if Unsafe - Report Unsafe Conditions:**

The Licensee shall not use the Premises or Property if it is unsafe and shall ensure that no person in the Licensee's Group shall use the Property if it is unsafe. The Licensee shall immediately report any unsafe conditions to the City.

## **10. Repair Costs:**

The Licensee shall be responsible for any damage to the Property or other City property as a result of any act or omission of the Licensee or the Licensee's Group and, in the event of such damage, to pay the City's costs of repairing the damage.

## **11. Neat, Clean:**

The Licensee shall maintain the appearance of the Site in a neat, clean and well-kept manner. The Licensee shall ensure that no rubbish, refuse or objectionable material accumulates in or about the Site. The Licensee shall place all refuse in garbage bags or receptacles. Where the City deems additional cleaning necessary, the Licensee shall pay to the City a Clean-up Charge in such reasonable amount as is determined by the City.

**12. List of Current Officers/Directors:**

The Licensee shall forthwith provide the City with a list of its current officers and directors for emergency and business contact purposes, and the Licensee shall forthwith provide updated lists whenever changes occur.

**13. Orientation & Emergency Procedures Training:**

The Licensee shall ensure that its staff, volunteers or members occupying space in the Site are trained in emergency procedures.

**14. List of Equipment & Furnishings:**

The Licensee shall provide the City with a list of structures and equipment the Licensee places on the Site.

**15. Keys:**

Where the City provides the Licensee with keys for the Site ("City Keys"), the Licensee shall return the City Keys forthwith upon demand by the City. The Licensee shall forthwith provide the City with the names of any individuals who from time to time are in possession of the City Keys. The Licensee shall ensure that no duplicates of the City Keys are made. The Licensee shall ensure that only individuals for whom it is at law responsible have access to the City Keys. The Licensee shall notify the City forthwith of any lost City Keys, or if it becomes aware that duplicate keys have been made. Should the City be required to change any locks as a result of lost City Keys or duplicate City Keys being made, the cost of same shall be borne by the Licensee. The Licensee is responsible to reimburse the City for the replacement of any lost City Keys.

The Licensee shall ensure all required procedures for opening and closing the space are adhered to.

**16. Accepts Premises/Property in their Condition:**

The Licensee accepts the Site in their condition as of the date of this agreement and shall not call upon the City to do or pay for any work or supply any equipment to make the Site more suitable for the proposed use by the Licensee.

**17. No Assignment:**

The Licensee shall not assign this agreement nor sublicense the Site without the prior written consent of the City.

**18. Licensee not Agent of City:**

Nothing in this agreement shall entitle or enable the Licensee or any subcontractor to act on behalf of, or as agent for, or to assume or create any obligation on behalf of, or to make any representation, promise, and warranty or guarantee binding upon, or otherwise to bind the City. The Licensee and any subcontractor of the Licensee and the City is independent and not the agent, employee, partner or joint venture of any of the others.

**GENERAL PROVISIONS**

**19. City Not Liable - Loss or Damage - Personal Property:**

The City shall not be liable for any damage to or loss of any personal property belonging to the Licensee or Licensee's Group.

**20. Premises Not Available - Property or Premises Closed – Emergency:**

Notwithstanding the use granted by this license, the Site shall not be available on days during which the Site have been closed by the City because of inclement weather or

any other reason, or if there is an emergency requiring the use of the Property by the City.

**21. Signage:**

The City may permit signage subject to prior written approval by the Deputy City Manager or designate. All signage must comply with the City's sign by-law.

**22. Municipal Services**

The Licensee shall supply their own source of water to the Site. The Licensee will provide all hoses, spigots and watering components. The Licensee will pay all monthly costs for the use of water.

Should an electrical service be desired, the Licensee will pay to install this service to the satisfaction of London Hydro, and all monthly costs for the use of electrical services for the operations of the Food Hub

**23. No Representations or Warranties:**

The City makes no representations, warranties or other assurance regarding suitability of the Property for use by the Licensee.

**24. City's Right to Inspect:**

The City reserves the right to inspect the Site at any time to ensure compliance with the terms of this agreement, any Federal or Provincial legislation, or municipal by-laws.

**25. Circumstances beyond the Control of Either Party:**

Neither party will be responsible for damage caused by delay or failure to perform under the terms of this agreement resulting from matters beyond the control of the City and the Licensee including strike, lockout or any other action arising from a labour dispute, fire (other than a fire caused by the Licensee's negligence), natural flood, act of God, war, riot or other civil insurrection, lawful act of public authority, all of which cannot be reasonably foreseen or provided against.

**26. Waiver of Breach by City - Without Prejudice:**

Any waiver by the City of any breach by the Licensee of any provisions of this agreement shall be without prejudice to the exercise by the City of all or any of its rights or remedies in respect of any continuance or repetition of such breach.

**27. Licensee Has Read & Understood Agreement:**

The Licensee acknowledges it has read this agreement, acknowledges that it has had the opportunity to obtain independent legal advice, and understands it and agrees to be bound by its terms and conditions.

**28. Facsimile Copy of Licensee's Signature Sufficient:**

A facsimile copy of the Licensee's signature shall be sufficient and binding.

**29. Executed in Counterparts:**

This agreement may be executed in any number of counterparts with the same effect as if all parties had signed the same document. All counterparts shall be construed together, and shall constitute one and the same agreement.



**30. Notice:**

Any notice required to be given to the City or the Licensee under this agreement shall be sufficiently given if delivered or mailed postage prepaid to the addresses below. Such notice shall be deemed to have been received on the date of its delivery or in the case of mailing, three (3) business days after it was delivered to the post office.

City's Address

City Clerk  
The Corporation of the City of London  
300 Dufferin Avenue  
P.O. Box 5035  
London, ON N6A 4L9

Licensee's Address

Hutton House Association  
for Adults with Disabilities  
654 Wonderland Road North  
London, ON N6H 3E5

**31. Headings:**

The headings in this Agreement are for ease of reference only and shall not be taken into account in the construction or interpretation of any provision to which they refer.

IN WITNESS WHEREOF the Licensor has attested by the hands of its duly authorized officer this \_\_\_ day of \_\_\_\_\_,

HUTTON HOUSE ASSOCIATION FOR  
ADULTS WITH DISABILITIES

Per: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Per: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

*I/We Have the Authority to Bind the Corporation*

IN WITNESS WHEREOF The Corporation of the City of London has hereunto caused to be affixed its Corporate Seal attested by the hands of its proper signing officers pursuant to the authority contained in By-Law No. \_\_\_\_ of the Council of the Corporation of the City of London passed the \_\_\_\_\_ day of \_\_\_\_\_, as amended.

THE CORPORATION OF THE CITY OF LONDON

---

Ed Holder,  
Mayor

---

Michael Schulthess, City Clerk

DESCRIPTION OF SCHEDULES

Schedule "A" – Description and terms of Food

HubSchedule "B"- Location of Food Hub

Schedule "C" -Conceptual Site Plan of the Food Hub

Y:\Shared\parksplanning\ParkFiles\P-144 CAVENDISH\Community Food Hub\License agreement Hutton House Association for Adults with Disabilities AM.docx

**SCHEDULE A**  
**Description and Terms of Food Hub**

THIS AGREEMENT WITNESSETH THAT in consideration of the mutual promises, covenants and agreements hereinafter, the parties agree as follows:

1. The parties agree that the Food Hub shall be located within the Cavendish Park Works Yard, and the location being more particularly set out in Schedule "B" attached hereto.
2. The parties agree that the layout and design of the Food Hub shall be in accordance with Site Plan in Schedule "C" attached hereto.
3. Hutton House Association for Adults with Disabilities agrees that the Food Hub shall be constructed and installed at the sole risk and expense of Hutton House Association for Adults with Disabilities in conformity with Zoning By-law Z.-1 and the Site Plan Control By-law C.P.-1455-541, as shown in Schedule "C" including, but not limited to:
  - a) construction of raised gardens.
  - b) a trailer for administrative uses.
  - c) hoop houses.
  - d) accessory buildings.

Should the zoning of the lands be amended, Hutton House Association for Adults with Disabilities shall work with the City to alter the Site Plan to accommodate further Site enhancements in compliance with the new zone.

4. Hutton House Association for Adults with Disabilities will operate the Food Hub to further their Community Programs and may coordinate this work with Community partners as desired. All Operations of the Food Hub shall conform to the Licensed services that Hutton House Association for Adults with Disabilities provides

**SCHEDULE B**  
**Location of Food Hub**

**SCHEDULE C**  
**Layout of Food Hub**

Bill No. 131  
2022

By-law No. A-54-22\_\_\_\_\_

A by-law to amend By-law No. A-54, as amended, being “A by-law to implement an Administrative Monetary Penalty System in London” to designate the Distribution of Graphic Flyers By-law.

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System;

AND WHEREAS the Municipal Council on June 25, 2019 passed By-law No. A-54, being “A by-law to implement an Administrative Monetary Penalty System in London;”

AND WHEREAS the Municipal Council deems it appropriate to amend Bylaw No. A-54 with respect to contraventions of the By-law establishing a Distribution of Graphic Flyers By-law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. That Schedule “A-1” of By-law No. A-54 be amended to include the Distribution of Graphic Flyers By-law By-law No. PW-\_\_\_\_\_;
2. That the definition of “Administrative Penalty” be amended to add “A-26” after “A-25”;
3. That section 2.1 be amended to add “A-26”;
4. That section 3.1 be amended to add “A-26” after “A-25”;
5. That section 3.1a) be amended to add “A-26” after “A-25”;
6. That the attached schedule “A-26 – Penalty Schedule for the Distribution of Graphic Flyers By-law” be added to By-law No. A-54 to provide for a penalty schedule.
7. This By-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

**Schedule "A-26"**  
**Administrative Monetary Penalty System By-law**  
**Penalty Schedule for the Distribution of Graphic Flyers By-law;**

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.
2. Column 2 in the following table set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
3. Column 4 in the following table set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	No Person shall deposit a a Flyer containing a Graphic Image at any Property.	4.1	\$350
2	No Distributor shall distribute, permit to be distributed or cause to be distributed a Flyer containing a Graphic Image at any Property	4.2	\$350

At the discretion of the Officer, fines may be doubled for any and all subsequent repeat offences.

Bill No. 132  
2022

By-law No. C.P.-1284( )-

A by-law to amend the Official Plan for the City of London, 1989 relating to 600 Oxford Street West

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. \_\_\_\_\_ to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on March 22, 2022

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022



**AMENDMENT NO.  
to the  
OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a Chapter 10 policy in Section 10.1.3 of the Official Plan for the City of London Planning Area – 1989 to permit “office”, “retail” and “commercial recreation establishments” within existing buildings, in addition to the uses permitted in the Auto-Oriented Commercial Corridor designation.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 600 Oxford Street West in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the Provincial Policy Statement, 2020, and the in-force policies of the 1989 Official Plan and The London Plan.

The recommended amendment would permit additional commercial uses within the existing buildings until such time as the site redevelops through a comprehensive proposal helping achieve the vision of the Transit Village Place Type.

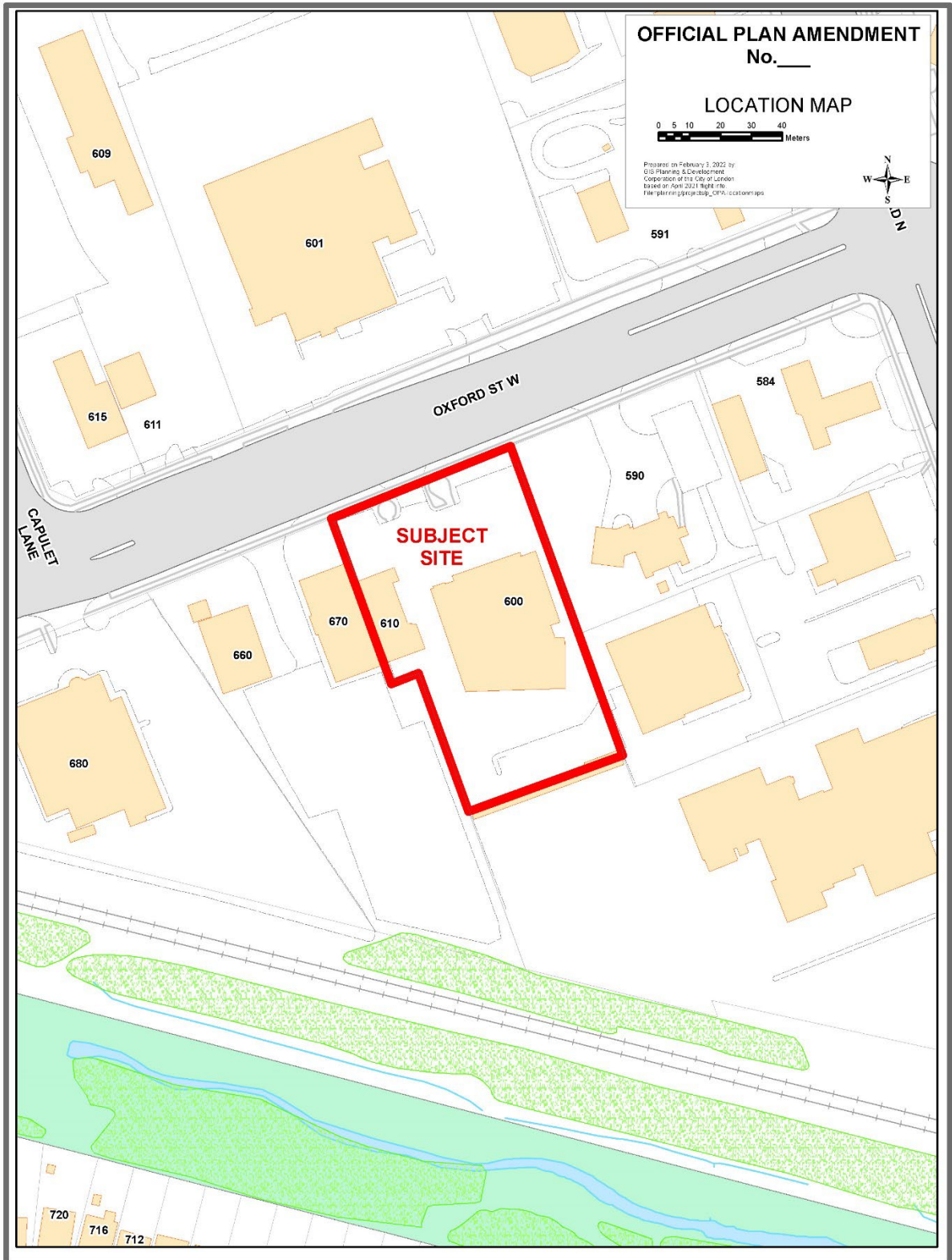
D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Chapter 10 – Policies for Specific Areas of the Official Plan for the City of London is amended by modifying the following:

Oxford Street West

- ( ) At 600 Oxford Street West, within the Auto-Oriented Commercial Corridor designation, “office”, “retail” and “commercial recreation establishments” within existing buildings may be permitted.



Bill No. 133  
2022

By-law No. C.P.-1284( )-

A by-law to amend the Official Plan for the City of London, 1989 relating to 1420 Hyde Park Road.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. \_\_\_\_\_ to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to add a policy in Section 3.5. of the Official Plan for the City of London Planning Area – 1989 to provide for a permitted residential density that will allow for a development that is consistent with the Neighbourhoods Place Type policies of The London Plan.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to lands located at 1420 Hyde Park Road in the City of London.

**C. BASIS OF THE AMENDMENT**

The recommended amendment is consistent with the PPS and the in-force policies of the 1989 Official Plan and The London Plan. The recommendation provides the opportunity for residential intensification in the form of a low-rise apartment building, located at the intersection of a high-order street and local street within an existing neighbourhood. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood. The recommended amendment would help to achieve the vision of the Neighbourhoods Place Type, providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities.

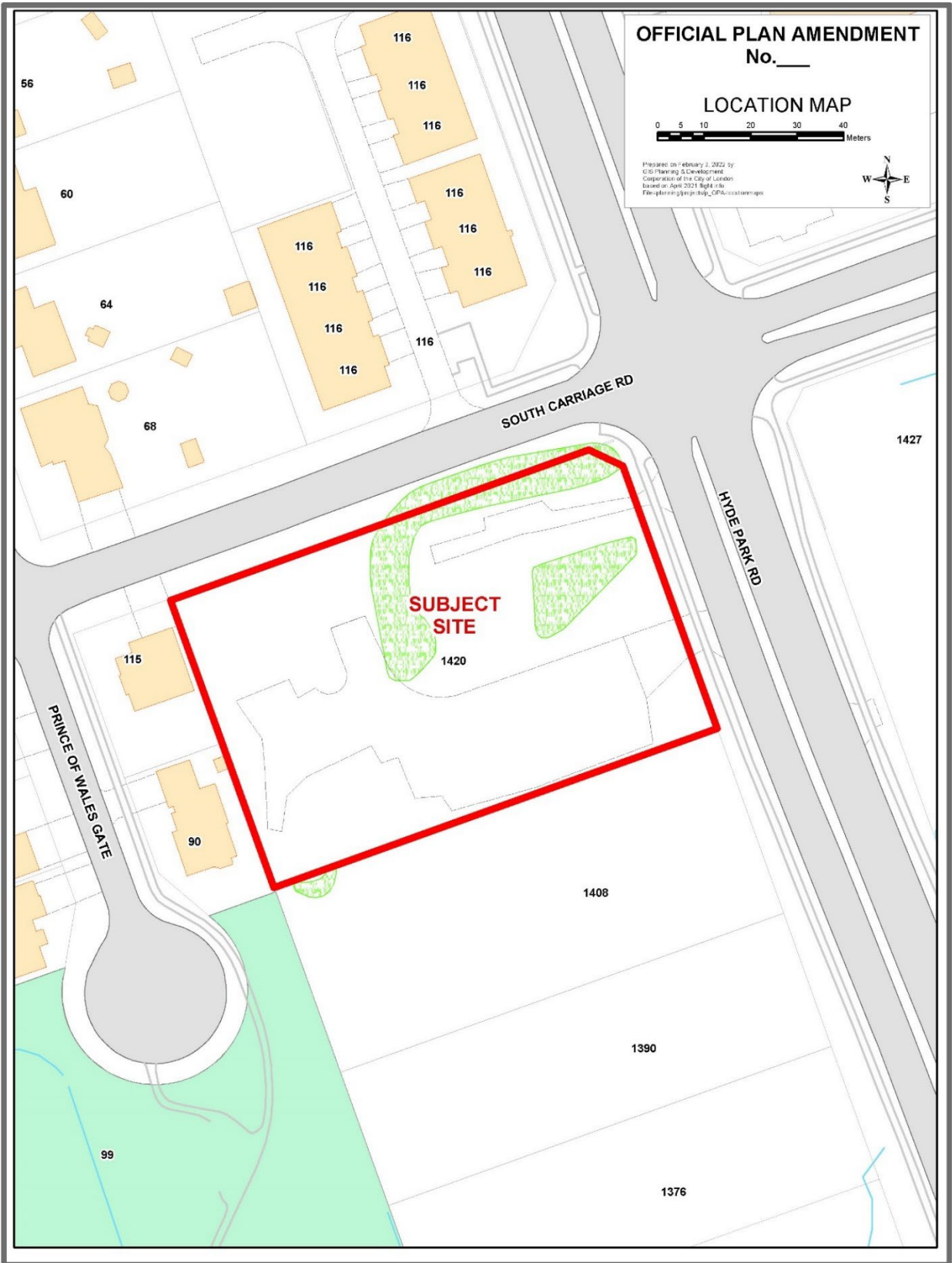
**D. THE AMENDMENT**

The Official Plan for the City of London Planning Area - 1989 is hereby amended as follows:

1. Section 3.5. – Policies for Specific Residential Areas of the Official Plan for the City of London – 1989 is amended by adding the following:

1420 Hyde Park Road

- ( ) At 1420 Hyde Park Road, residential development for the permitted uses of the Multi-family, Medium Density Residential designation may be permitted with a maximum density of 111 units per hectare. The City Design policies of The London Plan shall apply.



Bill No. 134  
2022

By-law No. C.P.-1512( )-

A by-law to amend The London Plan for the City of London, 2016 relating to 600 Oxford Street West.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. \_\_\_\_\_ to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on March 22, 2022

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

**AMENDMENT NO.  
to the  
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to the Specific Policies for the Transit Village Place Type and add the subject lands to Map 7 – Specific Policy Areas – of The London Plan to permit “automotive uses, restricted” within existing buildings.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 600 Oxford Street West in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the Provincial Policy Statement 2020, conforms to the City of London 1989 Official Plan, and conforms to The London Plan. The amendment provides for the re-use of the existing building stock taking advantage of existing municipal services and infrastructure while contributing to the economic viability of the subject site.

D. THE AMENDMENT

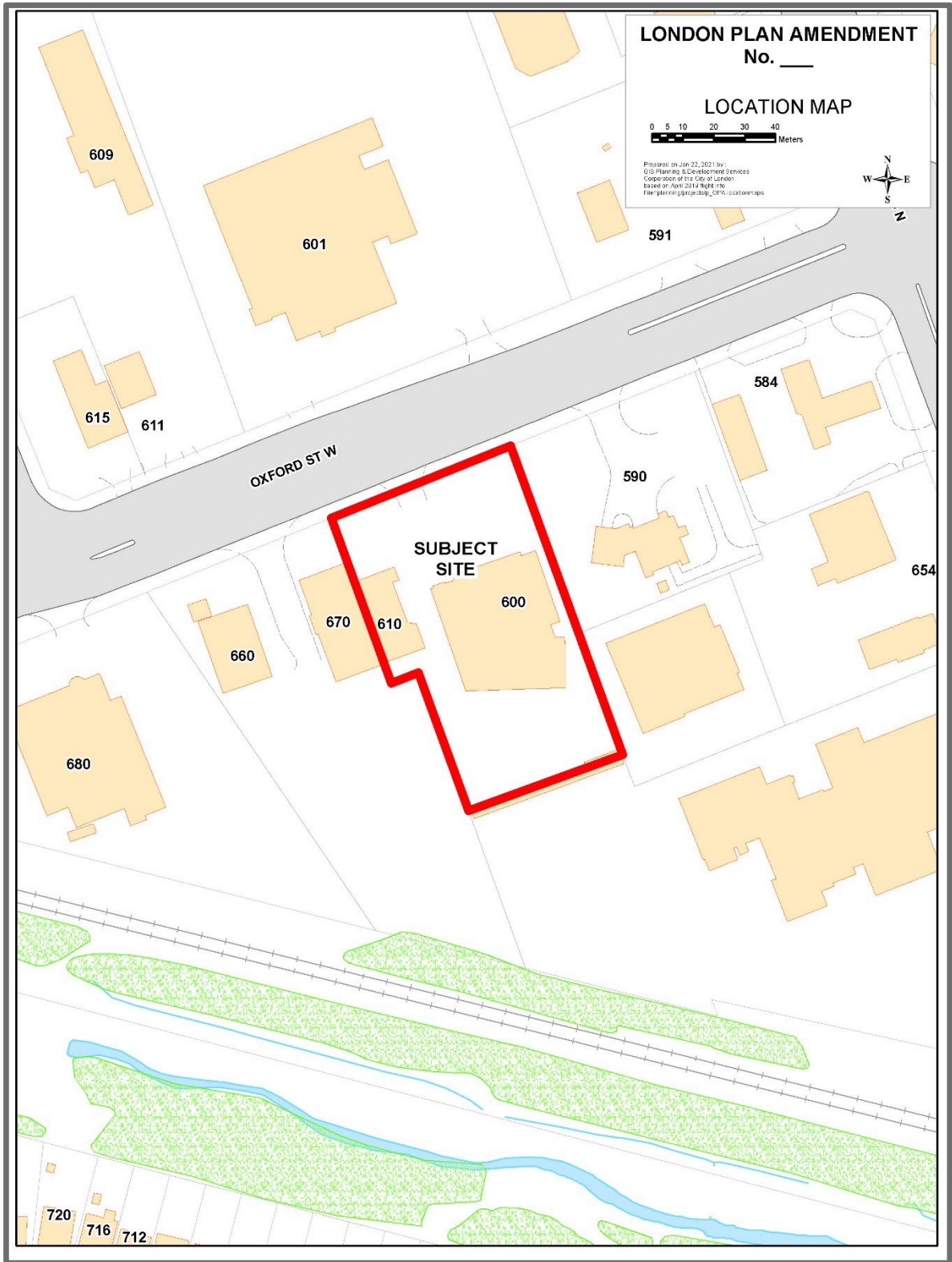
The London Plan for the City of London is hereby amended as follows:

1. Specific Policies for the Transit Village Place Type of The London Plan for the City of London is amended by adding the following:

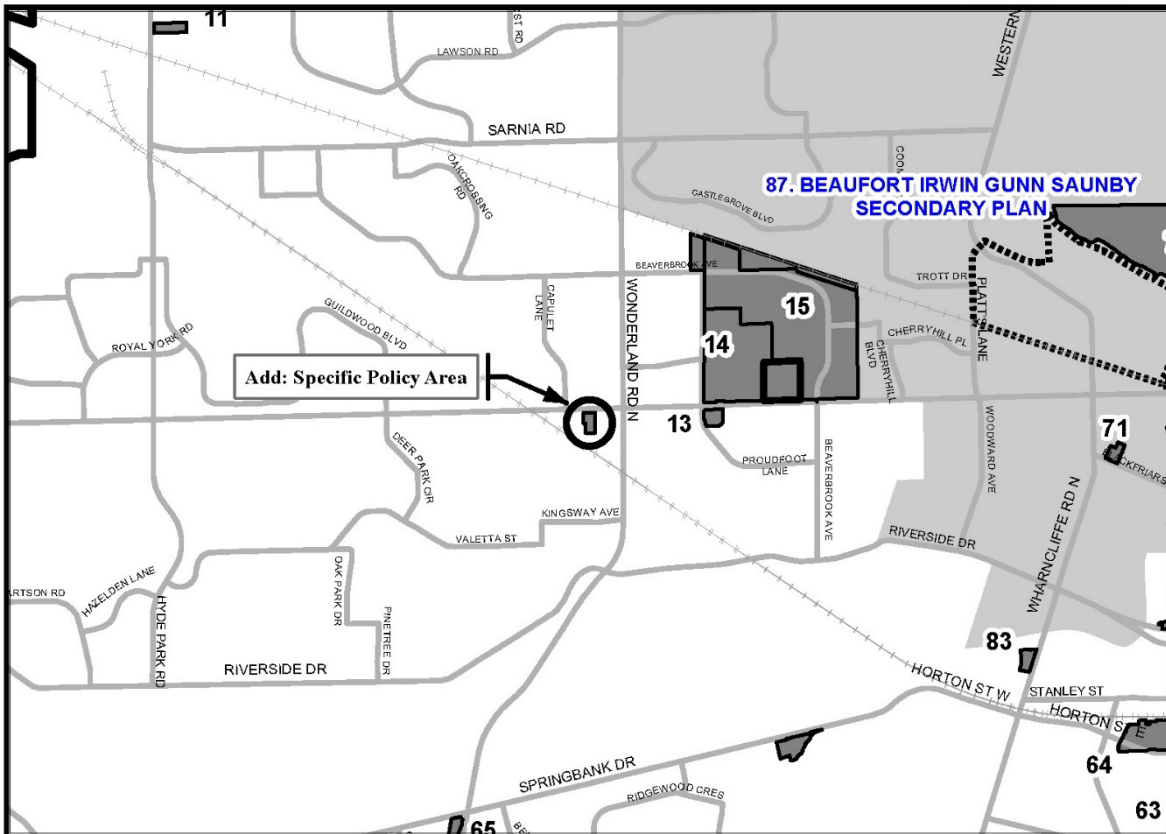
( ) In the Transit Village Place Type at 600 Oxford Street West, “automotive uses, restricted” within existing buildings may be permitted.

2. Map – 7 Specific Policy Areas, to The London Plan for the City of London Planning Area is amended by adding a specific policy area for the lands located at 600 Oxford Street West in the City of London, as indicated on “Schedule 1” attached hereto.





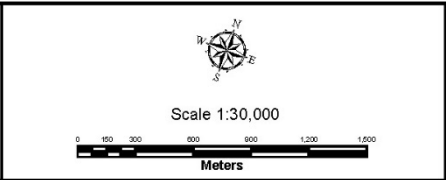




LEGEND	BASE MAP FEATURES
Specific Policies	Streets (See Map 3)
Rapid Transit and Urban Corridor Specific-Segment Policies	Railways
Near Campus Neighbourhood	Urban Growth Boundary
Secondary Plans	Water Courses/Ponds

*This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.*

**SCHEDULE 1  
TO  
THE LONDON PLAN**  
AMENDMENT NO. \_\_\_\_\_  
PREPARED BY: Planning Services



FILE NUMBER: OZ-9437  
PLANNER: AR  
TECHNICIAN: RC  
DATE: 2/3/2022

Bill No. 135  
2022

By-law No. C.P.-

A by-law to deem a portion of Registered Plan No. 33M-251 not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act, R.S.O. 1990, c. P13*.

WHEREAS subsection 50(4) of the *Planning Act* provides that the Council of a local municipality may by by-law designate any plan of subdivision or part thereof that has been registered for eight years or more, and deem it not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*;

AND WHEREAS Lot 19 and Lot 28, Registered Plan No. 33M-251, City of London, County of Middlesex, are currently separate lots within a registered plan of subdivision;

AND WHEREAS Registered Plan No. 33M-251 has been registered for more than eight years;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. That Lot 19 and Lot 28, Registered Plan No. 33M-251, City of London, County of Middlesex, shall be deemed not to be a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act*.

2. This By-law shall come into force on the day it is enacted by the Council of the Corporation of the City of London, subject to the provisions of subsection 50(27) of the *Planning Act*.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

Bill No. 136  
2022

By-law No. E.- \_\_\_\_ - \_\_\_\_

A by-law to repeal By-law No. E.- 185-537 being the "Election Sign By-law", and to enact a new "Election Sign By-law".

WHEREAS subsection 5(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a by-law may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 6. Health, safety and well-being of persons; 7. Services and things that the municipality is authorized to provide under subsection (1); 8. Protection of persons and property, including consumer protection; 10. Structures, including fences and signs;

AND WHEREAS section 23.2 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the City Clerk, including without limitation the power to prescribe procedures for the retrieval and/or destruction of Election Signs removed under this by-law are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;

AND WHEREAS section 63 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

AND WHEREAS section 425 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, establishes that any person who contravenes any by-law of The Corporation of the City of London is guilty of an offence;

AND WHEREAS section 445 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it

being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

## 1. DEFINITIONS

1.1 In this By-law:

**“Billboard”** means an outdoor sign erected and maintained by a person responsible for a business, or corporation engaged in the sale or rental of the space on the billboard to a Candidate or Registered Third Party for the purposes of advertising, promoting, opposing, or taking a position with respect to

- (i) any Candidate or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*;
- (ii) an issue associated with a person or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*; or
- (iii) a question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*;

**“Boulevard”** means that portion of every Street which is not used as a Sidewalk, driveway access, travelled Roadway or shoulder;

**“Campaign Office”** means one building or structure, or part of one building or structure, used by a Candidate to conduct an election campaign;

**“Candidate”** means

- (i) a Candidate within the meaning of the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996* as amended; and
- (ii) shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law to the electors under section 8 of the *Municipal Elections Act, 1996* as amended;

**“City”** means The Corporation of the City of London;

**“City Clerk”** means the City Clerk of the City or a person delegated by them for the purpose of this By-law;

**“Crosswalk”** means

- (i) that part of a Street at an intersection that is included within the connections of the lateral lines of the Sidewalks on opposite sides of the Street measured from the curbs, or in the absence of curbs from the edges of the Roadway; or
- (ii) any portion of a Roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, school crossing signs (as per the Ontario Traffic Manual – Book 5 Regulatory Signs) or by lines or other markings on the surface thereof; and
- (iii) shall include pedestrian crossovers;

**“Election Sign”** means any sign, including posters, promoting, opposing or taking a position with respect to:

- (i) any Candidate or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*;

- (ii) an issue associated with a person or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*; or
- (iii) a question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*;

For the purposes of clarification, “Election Sign” includes “Billboard Election Sign”

“**Electoral District**” means a geographic area represented by a Member of Municipal Council, Member of School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons.

“**Enforcement Officer**” means a Municipal Law Enforcement Officer appointed by the Municipal Council of the City;

“**Median Strip**” means the portion of a Street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement and includes a central island in a roundabout;

“**Nomination Day**” means the deadline to file a nomination with the City Clerk under the *Municipal Elections Act, 1996* as amended;

“**Owner**” means any person who is in control of the Election Sign; any person who benefits from the message on the Election Sign; or any person who has Placed or permitted to be Placed the Election Sign. For the purposes of this By-law there may be more than one Owner of an Election Sign;;

“**Park**” means land and land covered by water and all portions thereof under the control or management or joint management of the City, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally significant area as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land;

“**Place**” means attach, install, erect, build, construct, reconstruct, move, display or affix;

“**Property**” means property as defined by the Land Titles Act, 1990.

“**Public Property**” means property owned by or under the control of the City, including a Park, or any of its agencies, local boards, commissions or corporations but, for the purposes of this by-law, does not include a Street. Public Property shall be deemed to include public utilities facilities, and shall also be deemed to include, benches, municipal garbage containers or other structures located on a Street.

“**Registered Third Party**” means any individual, corporation or trade union registered in accordance with Section 88.6 of the *Municipal Elections Act, 1996*

“**Roadway**” means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes a shoulder;

“**Sidewalk**” means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, primarily intended for the use of pedestrians;

“**Sign Area**” means the area of one side of a sign where copy can be placed;

“**Sign Height**” means the vertical height of a sign from the lowest point of finished grade to the highest part of the sign;

“**Street**” means a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, viaduct, trestle or other public way under the jurisdiction of the City of London and this term includes all road works and appurtenant to municipal land;

**“Utility”** means water, sewer, artificial or natural gas, petrochemical, electrical power or energy, steam or hot/chilled water, and telecommunication networks, and includes the works, structures, buildings and appurtenances necessarily incidental to the supplying of such services;

**“Voting Place”** means a place where electors cast their ballots and:

- (i) when a Voting Place is located on Public Property, includes any Street abutting; or
- (ii) when a Voting Place is located on private property, includes any Street abutting.

**“Writ of Election”** means the date as defined in the Canada Elections Act and the Elections Act (Ontario).

## **2. GENERAL PROHIBITIONS**

2.1 No person shall Place or permit to be Placed an Election Sign except in accordance with this by-law.

2.2 No person shall Place or permit to be Placed an Election Sign without permission of the owner of the Property.

2.3 No person shall Place or permit to be Placed an Election Sign that:

- (a) is illuminated;
- (b) has a Sign Area of more than 6 square metres;
- (c) interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
- (d) impedes or obstructs the City’s maintenance operations; or
- (e) does not identify who is responsible for the messaging.

2.4 Subsections 2.3 (a) and (b) do not apply to an Election Sign on a Campaign Office or a Billboard. Subsections 2.3 (a) and (b) do not apply to an Election Sign on the Property on which the Campaign Office sits provided the written consent of the owner of the Property is obtained and furnished to an Enforcement Officer upon demand.

2.5 No person shall Place or permit to be Placed an Election Sign on or in a Voting Place on any Advance Vote Day or Voting Day.

2.6 No person shall display on any Election Sign a logo, trademark or official mark, in whole or in part, owned or licensed by the City.

## **3. TIMING**

3.1 No person shall Place or permit to be Placed an Election Sign for a federal or provincial election or by-election earlier than the day the Writ of Election or by- election is issued.

3.2 No person shall Place or permit to be Placed an Election Sign for a municipal election, except an Election Sign which is Placed on a Campaign Office or on the Property on which the Campaign Office sits provided the written consent of the owner of the Property is obtained and furnished to an Enforcement Officer upon demand:

- (a) earlier than one week prior to Nomination Day in the year of a regular election; or
- (b) earlier than Nomination Day for a by-election.

3.3 No person shall Place or permit to be Placed an Election Sign for a municipal election on a Campaign Office earlier than the day that Candidate has filed their nomination with the City Clerk.

3.4 No Owner shall fail to remove their Election Sign after the expiry of 96 hours immediately following 11:59 p.m. of the day of the election.

#### **4. ELECTION SIGNS ON PUBLIC PROPERTY**

4.1 No person shall Place or permit to be Placed an Election Sign on Public Property.

4.2 No person shall Place or permit to be Placed an Election Sign in a Park.

4.3 No person shall Place or permit to be Placed an Election Sign on a Street outside of the Electoral District where the Candidate is running for office.

4.4 Section 4.3 does not apply to an Election Sign within 50 metres of any Electoral District that is adjacent to the Electoral District where the Candidate is running for office.

4.5 No person shall Place or permit to be Placed an Election Sign:

(a) in a Roadway;

(b) within 3 metres of a Roadway;

(c) between a Roadway and a Sidewalk;

(d) that impedes or obstructs the passage of pedestrians on a Sidewalk;

(e) in a Median Strip;

(f) less than 3 metres from a Crosswalk;

(g) on a tree, or a fence, or a wall, or a gate, or a utility pole located on Public Property or a Street;

(h) in a Boulevard that abuts a Park;

(i) on a Street within 100 metres of another Election Sign of the same Candidate on the same side of the street.

4.6 No person shall Place or permit to be Placed an Election Sign that has a Sign Height:

(a) of more than 1.8 metres when Placed within 3 to 8 metres of the Roadway;

(b) of more than 4 metres when Placed beyond 8 metres of the Roadway.

4.7 Notwithstanding subsection 4.6 (b), on Highbury Avenue from Hamilton Road to Wilton Grove Road and Veteran's Memorial Parkway from Clarke Road to Wilton Grove Road, no person shall Place or permit to be Placed an Election Sign within 10 metres from the Roadway.

4.8 No person shall injure or foul a Street or permit the injuring or fouling of a Street when Placing an Election Sign.

4.9 No person shall injure or foul public structures or permit the injuring or fouling of public structures on a Street when Placing an Election Sign.

4.10 No person shall injure or foul a Utility or permit the injuring or fouling of a Utility when Placing an Election Sign.

#### **5. REMOVAL AND RETURN OF ELECTION SIGNS – POWERS OF THE CITY CLERK AND/OR ENFORCEMENT OFFICER**

5.1 The City Clerk and/or an Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.

5.2 The City Clerk and/or an Enforcement Officer may destroy any Election Signs which have been removed and not claimed and retrieved by the Candidate, persons, or Owner within the time period as prescribed by the City Clerk.

5.3 The City Clerk may make regulations under this by-law prescribing the rules and procedures for the removal, retrieval and destruction of Election Signs including, without limitation, the form of and any information required to be provided to the City Clerk and/or an Enforcement Officer to authorize the release of an Election Sign, dates on or by which an Election Sign may be retrieved or destroyed, and the manner in which notice may be given to an Owner relating to the retrieval and destruction of an Election Sign.

## **6. ADMINISTRATION**

6.1 The administration of this by-law is delegated to the City Clerk.

## **7. ENFORCEMENT**

7.1 This by-law may be enforced by the City Clerk or an Enforcement Officer.

## **8. OFFENCE AND PENALTY**

8.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

## **9. SHORT TITLE OF BY-LAW**

9.1 This by-law may be referred to as the “Election Sign By-law”.

## **10. FORCE AND EFFECT**

10.1 By-law No. E.-185-537, being the “Election Sign By-law” and all amendments to such by-law are hereby repealed.

10.2 This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022



Bill No. 137  
2022

By-law No. L.S.P.- \_\_\_\_\_ - \_\_\_\_

A by-law to expropriate lands in the City of London, in the County of Middlesex, for the Dingman Drive improvements project.

WHEREAS the Municipal Council of The Corporation of the City of London, as Approving Authority, pursuant to the *Expropriations Act, R.S.O. 1990, c. E.26*, as amended, at its meeting held on March 22, 2022, approved the expropriation of the lands and premises hereinafter described in attached Schedule "A" of this by-law:

AND WHEREAS the said Approving Authority has directed that its Certificate of Approval be issued in the prescribed form;

AND WHEREAS The Corporation of the City of London, as Expropriating Authority, at its meeting held on March 22, 2022, accepted the recommendation of Approving Authority;

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of London, as follows:

1. The lands described in attached Schedule "A" of this bylaw be, and the same, are hereby expropriated pursuant to the *Expropriations Act, R.S.O. 1990, c. E. 26*, and the *Municipal Act, 2001*, as amended.
2. The appropriate municipal officials are authorized and directed to take all proper and necessary steps and proceedings including the employment of valuers, to settle by arbitration or otherwise, the amount of compensation to be paid in respect of the expropriation of the said lands, providing that the amount of compensation shall not be reached by agreement unless adopted and approved by the Municipal Council of The Corporation of the City of London.
3. The appropriate municipal officials are authorized and directed to prepare a plan or plans, as necessary, showing the lands to be expropriated for registration in the appropriate Registry of Land Titles Office, and the Mayor and the Clerk are authorized and directed to sign the plan of expropriation, all pursuant to the *Expropriations Act*.
4. The appropriate municipal officials are authorized and directed to execute and serve the Notice of Expropriation and the Notice of Possession pursuant to the *Expropriations Act*.
5. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First reading – March 22, 2022  
Second reading – March 22, 2022  
Third reading – March 22, 2022

**Schedule "A"**  
**To By-law L.S.P.- \_\_\_\_ - \_\_**

DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR THE DINGMAN DRIVE  
IMPROVEMENT PROJECT

The following lands are required in fee simple:

**Parcel 1:** Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)

**Parcel 2:** Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT)

Bill No. 138  
2022

By-law No. \_\_\_\_\_

A by-law to regulate the distribution of graphic  
flyers in the City of London.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("*Municipal Act, 2001*") provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(2) of the *Municipal Act, 2001* provides that in the event of ambiguity in whether or not a municipality has the authority to pass a by-law under s. 10, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed on December 31, 2002;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001* provides that a by-law under section 10 respecting a matter may regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licenses (including permits, approvals, registrations and any other type of permission) respecting the matter;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 6, Health, safety and well-being of persons; and in paragraph 8, Protection of persons and property, including consumer protection;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

## **Part 1 SHORT TITLE**

### **Short Title**

1.1 The short title of this by-law is the Distribution of Graphic Flyers By-law.

## **Part 2 DEFINITIONS**

### **Definitions**

2.1 For the purposes of this By-law:

"City" means The Corporation of the City of London;

"Distributor" means any person, owner of a business, company, or organization which distributes, permits to be distributed or causes to be distributed any Flyer;

"Flyer" means any printed or written matter, and includes a circular, leaflet, pamphlet, paper, booklet, postcard, or any other printed or otherwise reproduced matter of literature, but not including electronic messages;

"Graphic Image" means a detailed pictorial image or series of images, containing potentially sensitive content that may cause or trigger a negative reaction to the health and wellbeing of any person at any scale. An example of a graphic

image may include, but is not limited to, dismembered human beings or aborted fetuses;

“Person” includes a corporation, other legal entities and an individual having charge or control of a Property;

“Property” means residential property.

### **Part 3 PROHIBITIONS**

3.1 No person shall deposit a flyer containing a graphic image at any property.

3.2 No distributor shall distribute, permit to be distributed or cause to be distributed a flyer containing a graphic image at any property.

### **Part 4 ENFORCEMENT**

4.1 Any person who contravenes any provision of this By-law is guilty of an offence.

4.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.

4.3 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty.

4.4 A person convicted under this by-law is liable to a maximum fine of \$5000.00.

4.5 This By-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

Bill No. 139  
2022

By-law No. S.- \_\_\_\_ - \_\_\_\_

A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Viscount Road east of Andover Drive)

WHEREAS it is expedient to establish the lands hereinafter described as public highway;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The lands and premises hereinafter described are laid out, constituted, established and assumed as public highway as widening to Viscount Road east of Andover Drive, namely:

“Part of Block M on Registered Plan M-7 in the City of London and County of Middlesex, designated as Parts 1 and 2 on Reference Plan 33R-20447.”

2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

# LOCATION MAP



Bill No. 140  
2022

By-law No. S.- \_\_\_\_ - \_\_\_\_

A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Queens Ave, east of Richmond St; and as widening to Ridout St, north of King St)

WHEREAS it is expedient to establish the lands hereinafter described as public highway;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The lands and premises hereinafter described are laid out, constituted, established and assumed as public highway as widening to Queens Avenue, east of Richmond Street, namely:

“Part of Queens Avenue (formerly North Street), closed by an act of Parliament (Province of Canada) dated October 16, 1863 (chapter 40), in the City of London and County of Middlesex, designated as Part 1 on Reference Plan 33R-21003.”

2. The lands and premises hereinafter described are laid out, constituted, established and assumed as public highway as widening to Ridout Street North, north of King Street namely:

“Part of Lot 20 North of King Street West and part of Lot 20 South of Dundas Street West, in the City of London and County of Middlesex, designated as Part 1 on Reference Plan 33R-21008;”

and

“Part of Lot 21, North of King Street West and part of Lot 21 South of Dundas Street West, in the City of London and County of Middlesex, designated as Part 3 on Reference Plan 33R-21008;”

and

“Part of Lot 21, North of King Street West, in the City of London and County of Middlesex, designated as Part 4 on Reference Plan 33R-21008.”

3. This by-law comes into force and effect on the day it is passed.

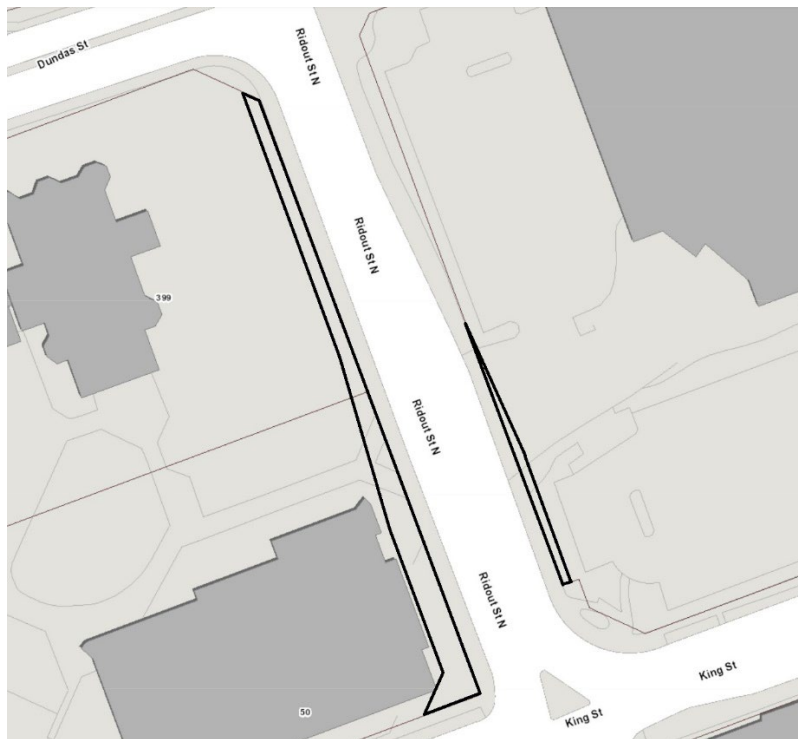
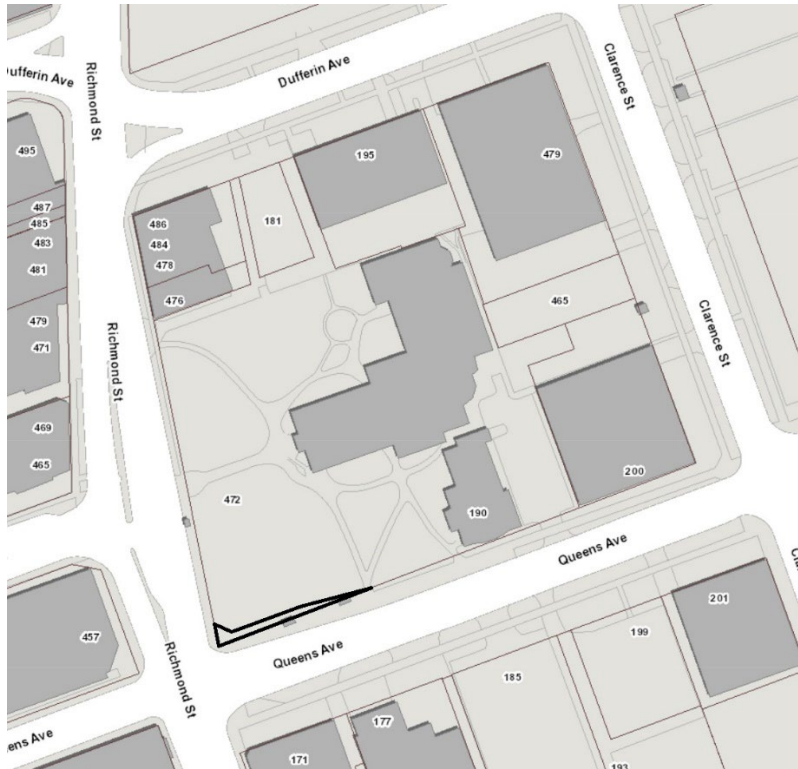
PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

# LOCATION MAP





Bill No. 141  
2022

By-law No. S.-\_\_\_\_\_ - \_\_\_\_

A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Southdale Rd W and Colonel Talbot Rd)

WHEREAS it is expedient to establish the lands hereinafter described as public highway;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The lands and premises hereinafter described are laid out, constituted, established and assumed as public highway as widening to Southdale Road West and Colonel Talbot Road, namely:

Part of Lot 42, Concession 1, in the geographic Township of Westminster, now in the City of London and County of Middlesex, designated as Part 1 on Reference Plan 33R-20893. (all of PIN 08432-1332)

and

Part of Lot 78, West of the North Branch of the Talbot Road, in the geographic Township of Westminster, now in the City of London and County of Middlesex, designated as Part 2 on Reference Plan 33R-20893. (all of PIN 08224-0729)

and

Part of Lots 78 and 79, West of the North Branch of the Talbot Road, in the geographic Township of Westminster, now in the City of London and County of Middlesex, designated as Parts 3, 4, 5 and 6 on Reference Plan 33R-20893. (all of PIN 08224-0730)

and

Part of Block 122 on Registered Plan 33M-490, in the City of London and County of Middlesex, designated as Part 1 on Reference Plan 33R-21178. (part of PIN 08431-0301)

and

Part of Block 132 on Registered Plan 33M-490, in the City of London and County of Middlesex, designated as Part 2 on Reference Plan 33R-21178. (part of PIN 08431-0311)

and

Part of Block 133 on Registered Plan 33M-490, in the City of London and County of Middlesex, designated as Part 3 on Reference Plan 33R-21178. (part of PIN 08431-0312)

2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

# LOCATION MAP



Bill No. 142  
2022

By-law No. S.- \_\_\_\_ - \_\_\_\_

A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Main Street, east of Colonel Talbot Road)

WHEREAS it is expedient to establish the lands hereinafter described as public highway;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The lands and premises hereinafter described are laid out, constituted, established and assumed as public highway as widening to Main Street, east of Colonel Talbot Road, namely:

“Part of Lots 5 and 6, South of Side Road and East of Talbot Road, on Registered Plan 443(C), in the City of London and County of Middlesex, designated as Parts 1 and 2 respectively on Reference Plan 33R-20869.”

2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

# LOCATION MAP



Bill No. 143  
2022

By-law No. W.-5569( )-\_\_

A by-law to amend by-law No. W.-5569-376, as amended, entitled, "A by-law to authorize the Wharncliffe Road Widening (Project TS1355-1)"

WHEREAS the Treasurer has calculated an updated limit for The Corporation of the City of London using its most recent debt and financial obligation limit determined by the Ministry of Municipal Affairs in accordance with the provisions of Ontario Regulation 403/02, and has calculated the estimated annual amount payable by The Corporation of the City of London in respect of the project described in this by-law and has determined that such estimated annual amount payable does not exceed the Limit;

AND WHEREAS it has been deemed expedient to amend By-law No. W.-5569-376 passed on November 11, 2014, to authorize an increase in the net amount of monies to be debentured for the "Wharncliffe Road Widening (Project No. TS1355-1)";

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The net cost of this project shall be met by the increase in the issue of debentures by \$16,280,576.00 from \$1,324,832.00 to \$17,605,408.00
2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

Bill No. 144  
2022

By-law No. W.- \_\_\_\_\_

A by-law to authorize the Victoria Bridge Bike Lanes (Project TS1745).

WHEREAS the Treasurer has calculated an updated limit for The Corporation of the City of London using its most recent debt and financial obligation limit determined by the Ministry of Municipal Affairs in accordance with the provisions of Ontario Regulation 403/02, and has calculated the estimated annual amount payable by The Corporation of the City of London in respect of the project described in this by-law and has determined that such estimated annual amount payable does not exceed the Limit;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The "Victoria Bridge Bike Lanes (Project TS1745)" is hereby authorized.
2. The net cost of this project shall be met by the issue of debentures in an amount not to exceed \$1,650,000.00
3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

Bill No. 145  
2022

By-law No. W.-\_\_\_\_\_

A by-law to authorize the East London Link –  
Construction Rapid Transit (Project RT1430-3A)

WHEREAS the Treasurer has calculated an updated limit for The Corporation of the City of London using its most recent debt and financial obligation limit determined by the Ministry of Municipal Affairs in accordance with the provisions of Ontario Regulation 403/02, and has calculated the estimated annual amount payable by The Corporation of the City of London in respect of the project described in this by-law and has determined that such estimated annual amount payable does not exceed the Limit;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The “East London Link – Construction Rapid Transit (Project RT1430-3A)” is hereby authorized.
2. The net cost of this project shall be met by the issue of debentures in an amount not to exceed \$9,000,000.00
3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

Bill No. 146  
2022

By-law No. Z.-1-22

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street.

WHEREAS the SoHo Vision Alliance have applied to remove the holding provision from the zoning for the lands located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street, as shown on the attached map, to remove the h and h-5 holding provision so that the zoning of the lands as a Residential R4 Special Provision and R8 Special Provision (R4-6(13)/R8-4(59), R8-4(56), R8-4(57), R8-4(58) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 22, 2022

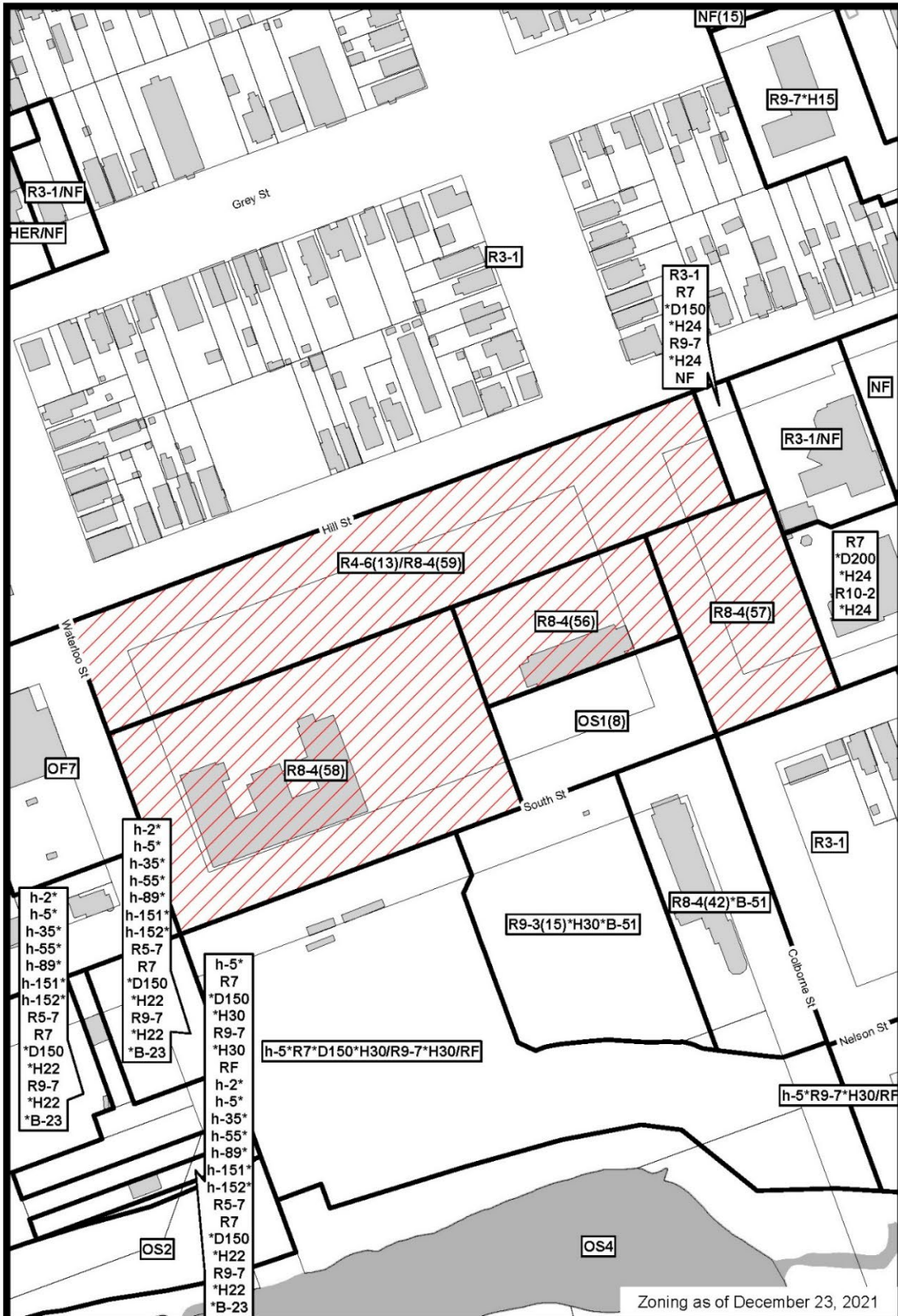
Ed Holder  
Mayor

Michael Schulthess  
City Clerk


First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022



AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)




File Number: H-9462  
 Planner: AC  
 Date Prepared: 2022/01/14  
 Technician: RC  
 By-Law No: Z.-1-

**SUBJECT SITE** 

1:2,000

0 10 20 40 60 80 Meters



Geodatabase

Bill No. 147  
2022

By-law No. Z.-1-22

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1738, 1742, 1752 and 1754 Hamilton Road.

WHEREAS Baker Planning Group has applied to remove the holding provisions from the zoning on lands located at 1738, 1742, 1752 and 1754 Hamilton Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said lands;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1738, 1742, 1752 and 1754 Hamilton Road, as shown on the attached map, to remove the h and h-100 holding provisions so that the zoning of the lands as a Residential R1 (R1-3) Zone, a Residential R1 Special Provision (R1-3(19)) Zone, a Residential R1 Special Provision (R1-3(20)) Zone, a Residential R4 Special Provision (R4-6(9)) Zone, and a Residential R6 Special Provision (R6-5(55)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 22, 2022.

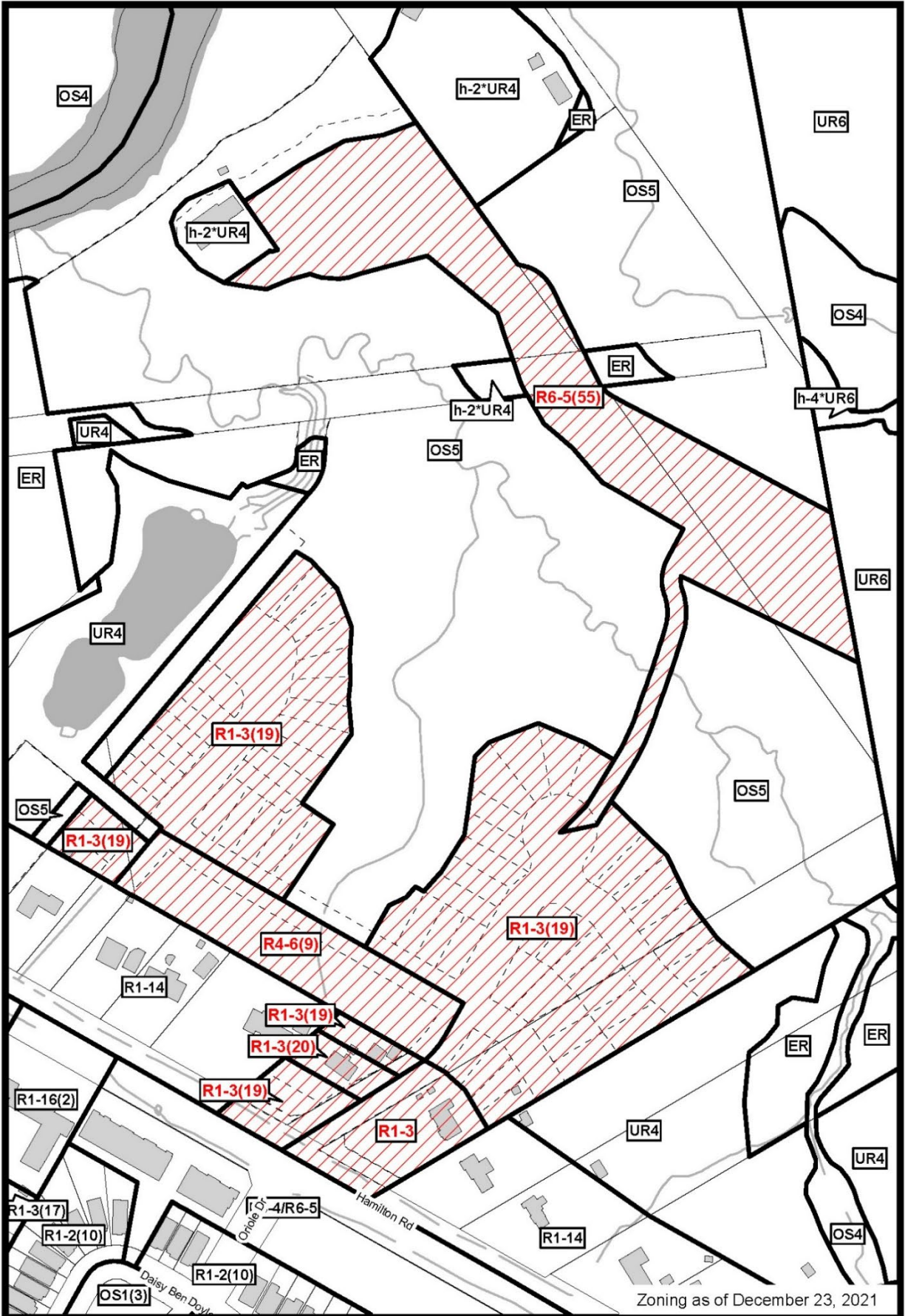
Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022



AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: H-9466  
 Planner: LM  
 Date Prepared: 2022/02/02  
 Technician: RC  
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters



Bill No. 148  
2022

By-law No. Z.-1-22

A by-law to amend By-law No. Z.-1 to rezone  
an area of land located at 655-685 Fanshawe  
Park Road West

WHEREAS SAB Realty Limited has applied to rezone an area of land  
located at 655-685 Fanshawe Park Road West, as shown on the map attached to this  
by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of  
London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable the  
lands located at 655-685 Fanshawe Park Road West, as shown on the attached  
map comprising part of Key Map No. A101, from a Restricted Service Commercial  
Special Provision (RSC1(21)/RSC4(19)) Zone to a Neighbourhood Shopping Area  
Special Provision (NSA5(\_)) Zone;
- 2) Section Number 23.4 e) of the Neighbourhood Shopping Area (NSA) Zone is  
amended by adding the following Special Provision:

NSA5( ) 655-685 Fanshawe Park Road West

a) Additional Permitted Uses:

- i) Commercial Recreational Establishment

b) Regulations

- |   |  |
|---|--|
| i) Front yard depth<br>(minimum)                                  | 1.0 metres   |
| ii) Gross floor area, restaurants<br>(excluding patios) (maximum) | 750.0 square metres  |
| iii) Gross floor area, retail<br>(maximum)                        | 875.0 square metres  |
| iv) Parking Rate<br>(minimum)                                     | 1 per 20 m <sup>2</sup> for all<br>permitted uses with a total<br>gross floor area of 3,698<br>square metres |

The inclusion in this By-law of imperial measure along with metric measure is for the  
purpose of convenience only and the metric measure governs in case of any  
discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with  
Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the  
passage of this by-law or as otherwise provided by the said section.

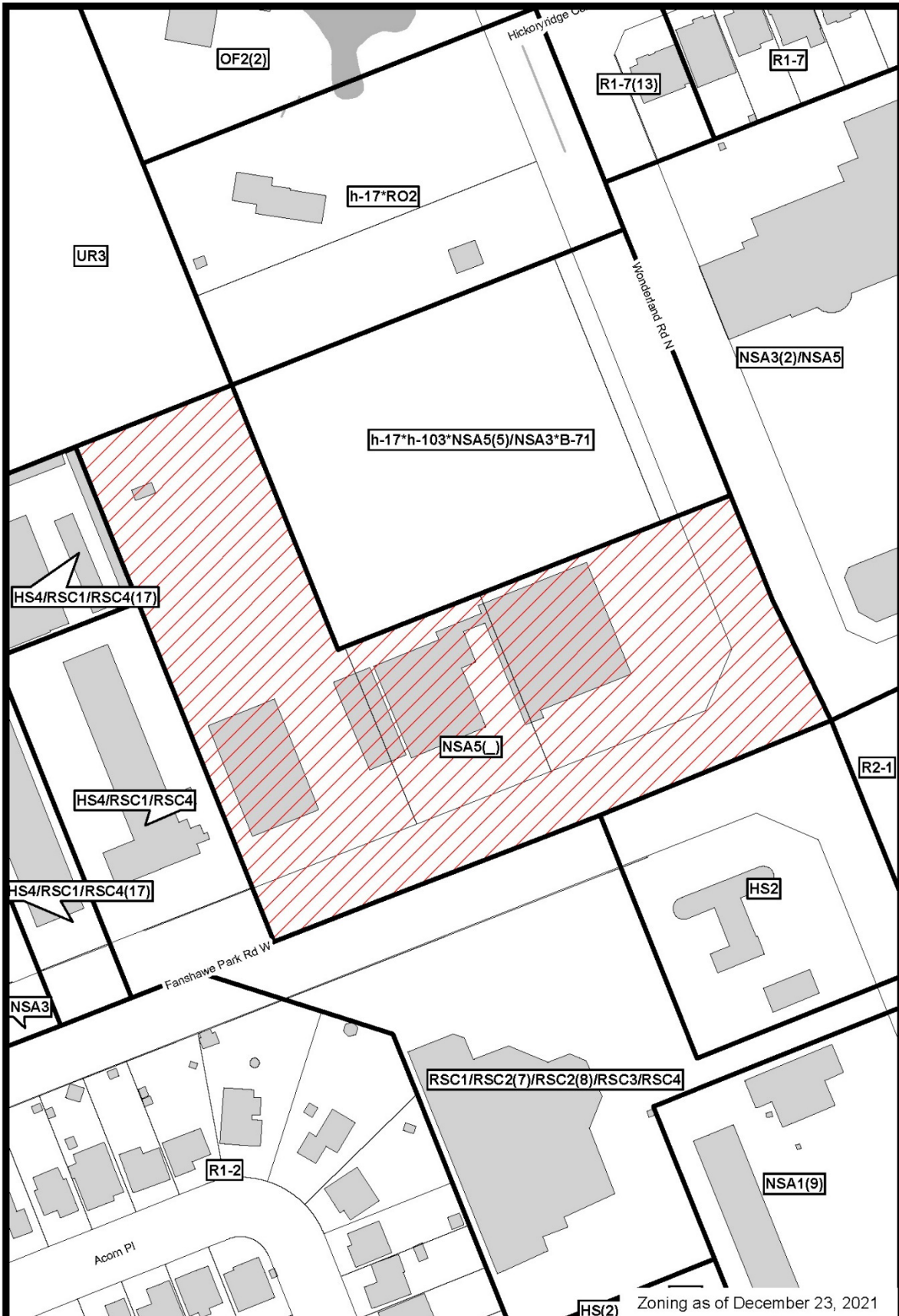
PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9396

Planner: MW

Date Prepared: 2022/01/27

Technician: rc

By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40 Meters



Bill No. 149  
2022

By-law No. Z.-1-22

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1985 Gore Road

WHEREAS Dancor Oxford Incorporated have applied to remove the holding provision from the zoning for the lands located at 1985 Gore Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1985 Gore Road, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Light Industrial and General Industrial (LI2/GI1) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 22, 2022

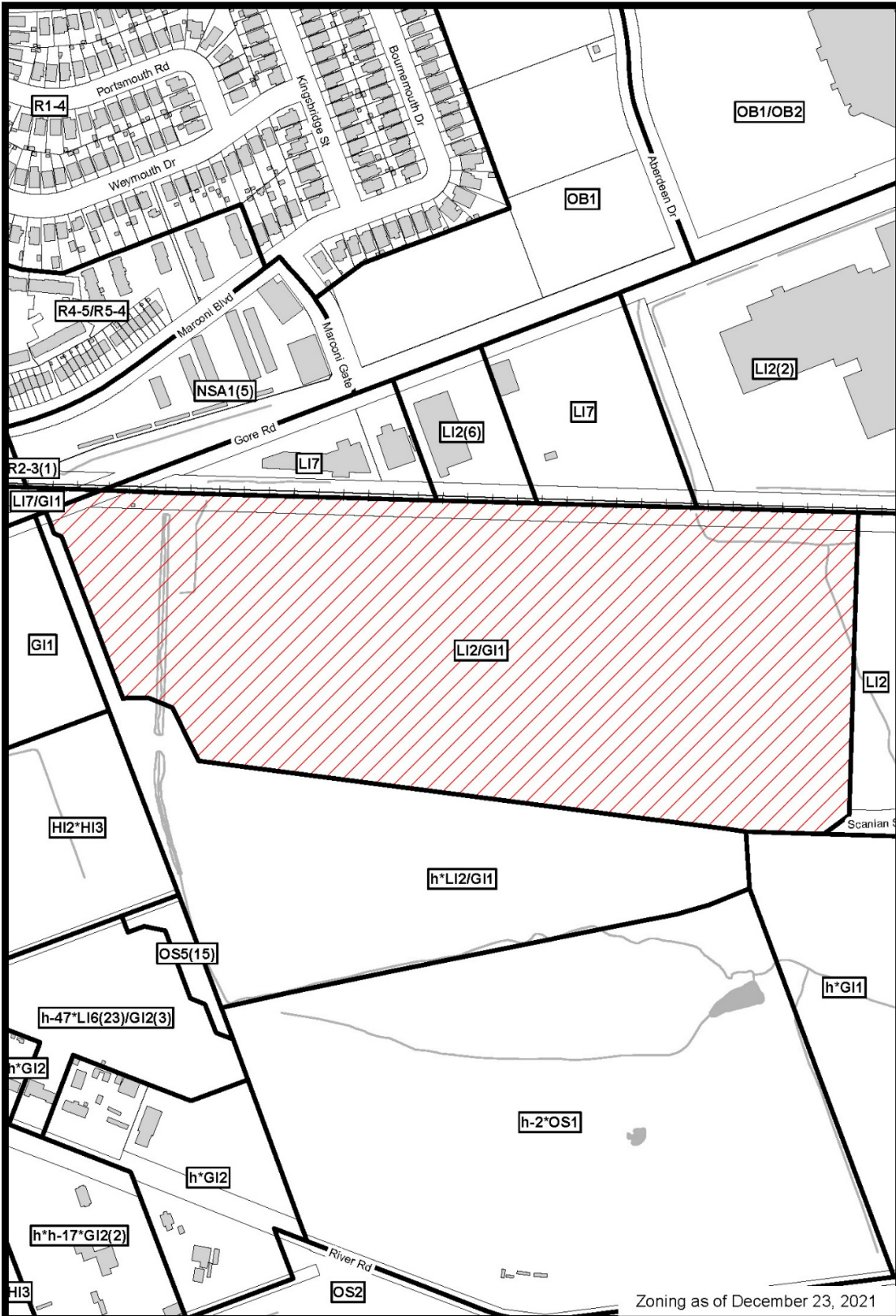
Ed Holder  
Mayor



Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022



AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



<p>File Number: H-9467                  Planner: AC                  Date Prepared: 2022/02/02                  Technician: RC                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:4,000</p> <p>0 20 40 80 120 160 Meters</p> 
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Geodatabase

Bill No. 150  
2022

By-law No. Z.-1-22

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 600 Oxford Street West.

WHEREAS Maverick Real Estate Inc. has applied to rezone an area of land located at 600 Oxford Street West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number \_\_\_\_\_ this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 600 Oxford Street West, as shown on the attached map comprising part of Key Map No. A110, from a Highway Service Commercial/Restricted Service Commercial (HS/RSC1) Zone to a Highway Service Commercial Special Provision (HS( )) Zone.
- 2) Section Number 27.4 of the Highway Service Commercial is amended by adding the following Special Provision:
  - ) HS( ) 600 Oxford Street West
    - a) Additional Permitted Uses
      - i) Offices,
      - ii) Retail Stores
      - iii) Commercial Recreation Establishments
    - b) Regulations
      - i) Location of Permitted Uses: Permitted uses shall be restricted to the existing buildings.
      - ii) West Interior Side Yard Setback (Minimum) 1.25 metres
      - iii) East Interior Side Yard Setback (Minimum) 4.05 metres
      - iv) Existing Landscaped Open Space (Minimum) 8%
      - v) Parking Setback from the Ultimate Road Allowance (Minimum) 0.0m
      - vi) Existing Number of Parking Spaces totalling 71

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.



This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

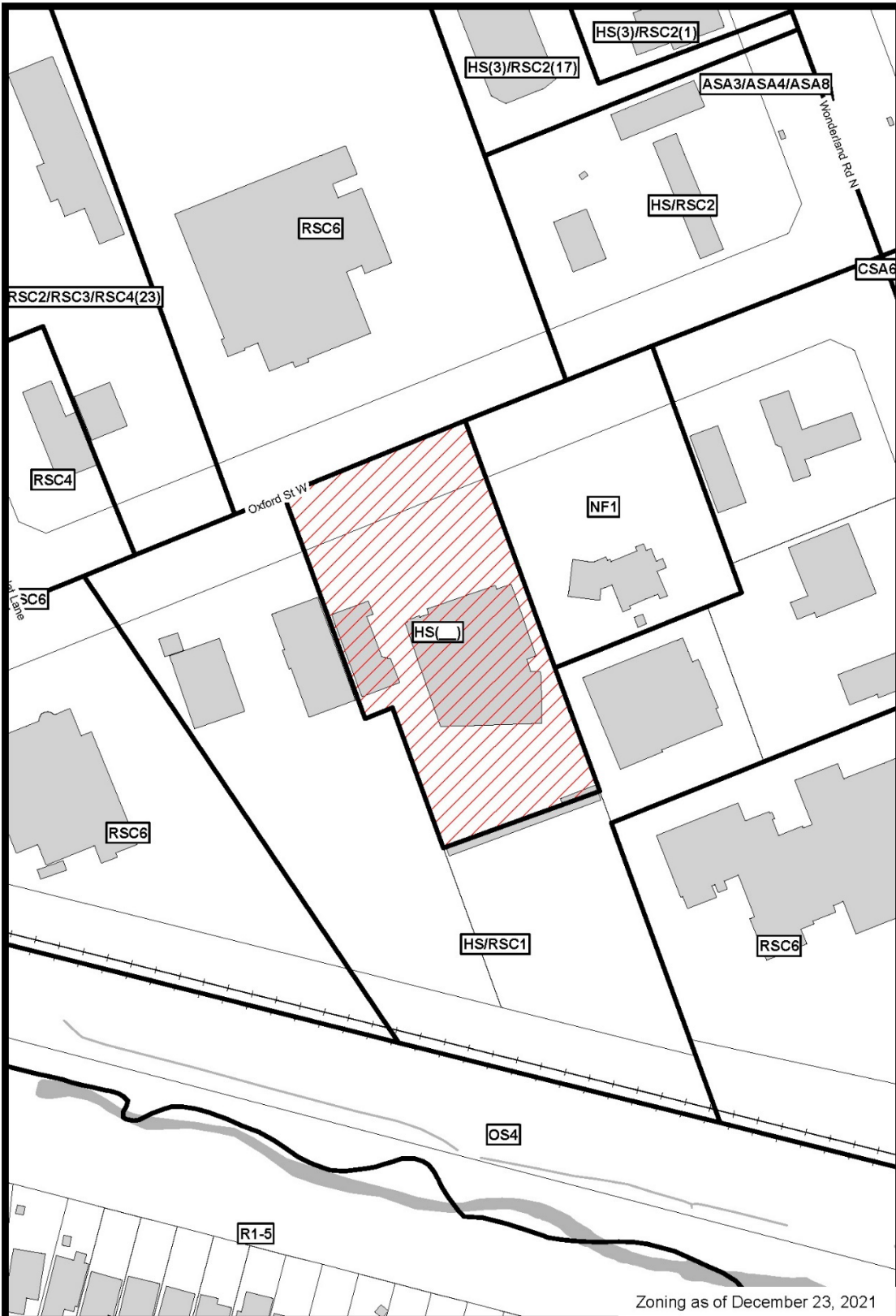
PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor


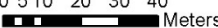

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Zoning as of December 23, 2021

<p>File Number: OZ-9437                  Planner: AR                  Date Prepared: 2022/02/02                  Technician: RC                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,500</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Geodatabase

Bill No. 151  
2022

By-law No. Z.-1-22

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1420 Hyde Park Road.

WHEREAS Hyde Construction (c/o Pete Hyde) has applied to rezone an area of land located at 1420 Hyde Park Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number \_\_\_\_\_ this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1420 Hyde Park Road, as shown on the attached map comprising part of Key Map No. A101, from a Temporary/Urban Reserve (T-51/UR3) Zone, to a Residential R9 Special Provision (R9-4(\_)) Zone.
- 2) Section Number 13.4 of the Residential R9 (R9-4) Zone is amended by adding the following Special Provision:

) R9-4( ) 1420 Hyde Park Road

a) Regulations

- |   |                          |
|---|--------------------------|
| i) Front Yard Depth (Minimum)           | 1.5 metres (4.92 feet)   |
| ii) Front Yard Depth (Maximum)          | 3.0 metres (9.84 feet)   |
| iii) Exterior Side Yard Depth (Minimum) | 1.5 metres (4.92 feet)   |
| iv) Exterior Side Yard Depth (Maximum)  | 3.0 metres (9.84 feet)   |
| v) Interior Yard Depth (Minimum)        | 4.2 metres (13.78 feet)  |
| vi) Height (Maximum)                    | 16.0 metres (52.49 feet) |
| vii) Density (Maximum)                  | 111 units per hectare    |
| viii) Parking (Minimum)                 | 1.1 spaces per unit      |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

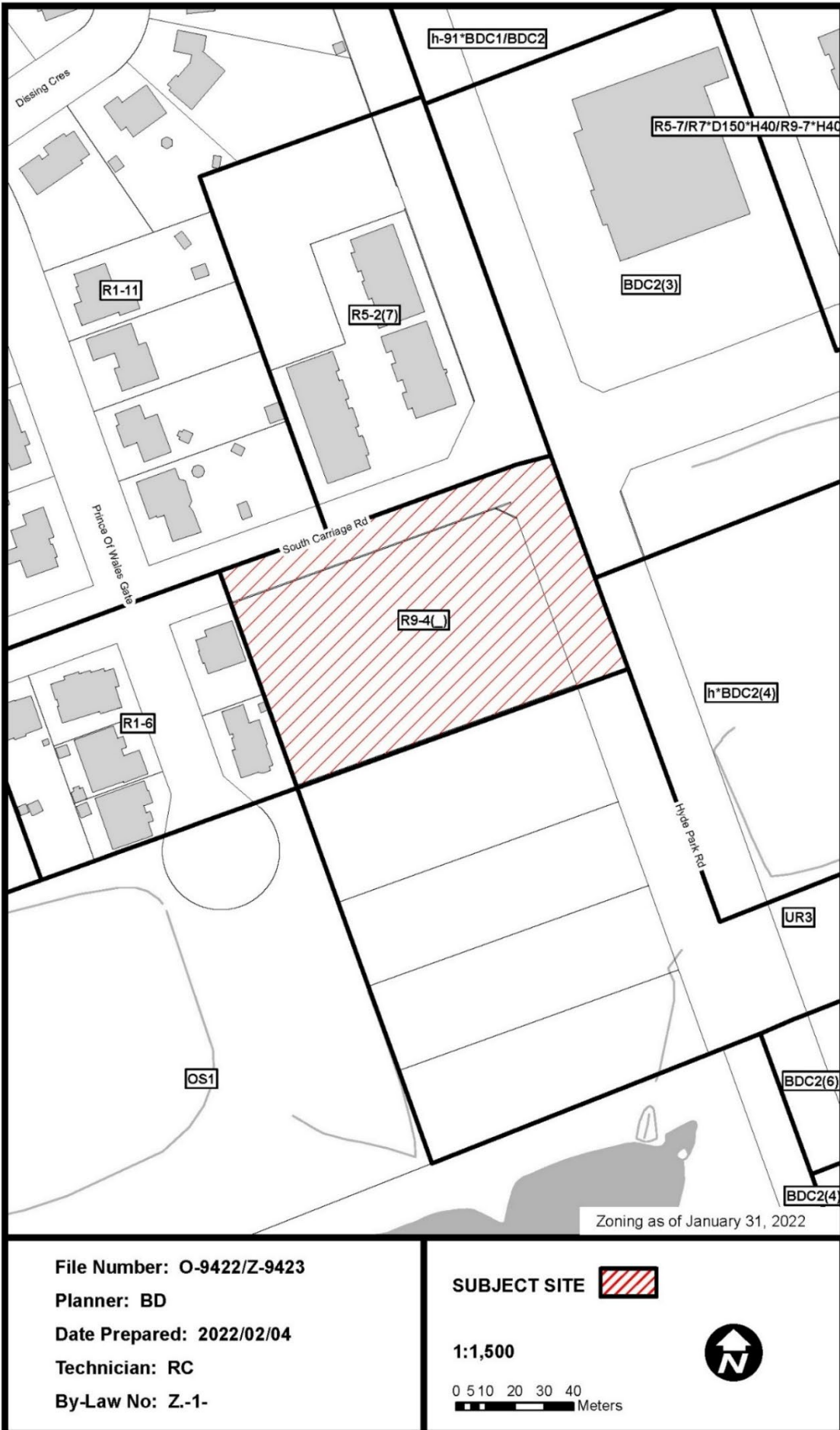
PASSED in Open Council on March 22, 2022.

Ed Holder  
Mayor


Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



**File Number:** O-9422/Z-9423  
**Planner:** BD  
**Date Prepared:** 2022/02/04  
**Technician:** RC  
**By-Law No:** Z.-1-

**SUBJECT SITE**   
**1:1,500**  
 0 5 10 20 30 40  
 Meters  


Geodatabase

Bill No. 152  
2022

By-law No. Z.-1-22

A by-law to amend By-law No. Z.-1 to rezone  
an area of land located at 6756 James Street

WHEREAS Domus Development London Inc. has applied to rezone an area of land located at 6756 James Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable the lands located at 6756 James Street, as shown on the attached map comprising part of Key Map No. A110, from a Residential R1 (R1-10) Zone to a Residential R5 Special Provision (R5-2(\_)) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-2) Zone is amended by adding the following Special Provision:

R5-2(\_) 6756 James Street

a) Prohibited Uses

i) Cluster Stacked Townhouses

b) Regulations

i) Front Yard Depth (minimum) 11m

ii) Front Yard Depth (maximum) 13m

iii) Interior Side Yard Depth (minimum) 5.5m when a wall of a unit contains windows to habitable rooms

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on March 22, 2022.




Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 22, 2022  
Second Reading – March 22, 2022  
Third Reading – March 22, 2022

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



<p><b>File Number: Z-9401</b> <b>Planner: MV</b> <b>Date Prepared: 2022/02/08</b> <b>Technician: rc</b> <b>By-Law No: Z.-1-</b></p>	<p><b>SUBJECT SITE</b> </p> <p><b>1:1,500</b></p> <p>0 5 10 20 30 40  Meters</p> <p></p>
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Geodatabase