

Agenda Including Addeds

Community and Protective Services Committee

9th Meeting of the Community and Protective Services Committee

July 15, 2024

1:00 PM

Council Chambers - Please check the City website for additional meeting detail information. Meetings can be viewed via live-streaming on YouTube and the City Website.

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Métis and Inuit today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

Members

Councillors D. Ferreira (Chair), H. McAlister, J. Pribil, S. Trosow, E. Pelosa

The City of London is committed to making every effort to provide alternate formats and communication supports for meetings upon request. To make a request specific to this meeting, please contact CPSC@london.ca or 519-661-2489 ext. 2425.

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Content warning: This part of the agenda has details of pregnancy loss, which may cause discomfort. If you or someone you know requires support, you can contact:

- Employee Assistance Program, 1-844-880-9142 (City of London Staff)
- Reach Out 24/7 phone service (confidential mental health and support services), 519-433-2023

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6.1 Solicitor-Client Privilege

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding the regulation of advocacy message signs on city streets.

6.2 Land Acquisition / Solicitor-Client Privilege / Commercial, Financial Information of the Corporation with Monetary or Potential Monetary Value / Position, Plan, Procedure, Criteria or Instruction for Negotiation Purpose

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 Personal Matters About Identifiable Individual

A matter pertaining to personal matters about an identifiable individual, including municipal or local board employees, with respect to the Awarding of the 2024 Queen Elizabeth Scholarships.

7. Adjournment



P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

June 27, 2024

To: Nominating Committees and Organizations

Re: **2025 Mayor's New Year's Honour List – Call for Nominations**

Each year London City Council enlists your assistance to nominate citizens for the Mayor's New Year's Honour List, which recognizes long-standing contributions to the London community.

Please consider nominating a London citizen who is worthy of this honour in the category for which your organization is responsible, as follows:

Reports to Community and Protective Services Committee (cpssc@london.ca)

NOMINATING BODY	CATEGORY
Accessibility Community Advisory Committee	Accessibility
Age Friendly London Network	Age Friendly
Community and Protective Services Committee	Safety and Crime Prevention
Community and Protective Services Committee	Housing
London Arts Council	The Arts
London Sports Council	Sports

Reports to Strategic Priorities and Policy Committee (sppc@london.ca)

NOMINATING BODY	CATEGORY
Diversity, Inclusion and Anti-Oppression Community Advisory Committee	Humanitarianism
Diversity, Inclusion and Anti-Oppression Community Advisory Committee	Diversity and Race Relations

Reports to Planning and Environment Committee (pec@london.ca)

NOMINATING BODY	CATEGORY
Community Advisory Committee on Planning	Heritage

Reports to Civic Works Committee (cwc@london.ca)

NOMINATING BODY	CATEGORY
Environmental Stewardship and Action Community Advisory Committee	Environment

2025 Mayor's New Year's Honour List – Call for Nominations
June 27, 2024

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You may make your recommendation in confidence through the appropriate Standing Committee.

All nominations must be received at the email indicated **no later than 9 a.m. Monday, September 23, 2024**, to be included on the agenda for recommendation to Council on October 15, 2023. This timetable ensures that the slate of honourees is finalized for the traditional New Year's Day announcement.

For your information and assistance, we have enclosed a fillable pdf of the nomination form, a list of the previous recipients (no individual can be recognized more than once in their lifetime), together with a copy of the Council Policy which details the criteria and process to be followed.

Thank you very much for your expert assistance in this nomination process, and for your cooperation in meeting the submission deadline.

Sincerely,



Michael Schulthess
City Clerk



Sarah Corman
Deputy City Clerk



Evelina Skalski
Deputy City Clerk

Attachments (3)

cc: Mayor Josh Morgan
E. Hunt, Manager, Legislative Services
H. Woolsey, Administrative Assistant, Legislative Services
J. Gomez, Committee Support Clerk



Mayor's New Year's Honour List Nomination Form

Note: Please refer to City Council's *Mayor's New Year's Honour List Policy*, for the criteria governing the nomination of individuals.

NOTICE OF COLLECTION OF PERSONAL INFORMATION

The personal information collected on this form is collected under the authority of the *Municipal Act 2001 as amended*, and will be used to administer the Mayor's New Year's Honour List program. Questions about this collection should be addressed to the City Clerk at 300 Dufferin Avenue, London, Ontario, N6A 4L9. Tel: (519) 661-CITY (2489) ext. 4530.

A. Nominee information

Name				
Street address		City	Province	Postal code
Daytime telephone number	/ extension	Home telephone number	E-mail address	

B. Nominator information

Name			Date	
Street address		City	Province	Postal code
Daytime telephone number	/ extension	Home telephone number	E-mail address	

C. Nomination category (check one):

- ☐ **Accessibility** (i.e. contributions to foster an environment of inclusion that embraces citizens of all abilities)
- ☐ **Age Friendly** (i.e. contributions to empowering older adults and advancing an age friendly community)
- ☐ **Arts** (i.e. contributions to fostering and/or the production of human creativity)
- ☐ **Distinguished Londoner** (to be selected by the Mayor)
- ☐ **Diversity and Race Relations** (i.e. contributions to the elimination of hate and discrimination)
- ☐ **Environment** (i.e. contributions to the awareness, preservation and protection of the environment)
- ☐ **Heritage** (i.e. contributions to the awareness, preservation and protection of heritage resources)
- ☐ **Housing** (i.e. contributions to the provision of safe and accessible housing for all members of the community)
- ☐ **Humanitarianism** (i.e. contributions to human welfare through philanthropic and other efforts)
- ☐ **Safety and Crime Prevention** (i.e. contributions to a safe and secure community)
- ☐ **Sports** (i.e. contributions to the awareness of and participation in sports activity and/or demonstrated excellence within a particular sports activity)

D. Reason for nomination

Please provide a summary of the nominee's contributions as related to the applicable criteria. (May continue to next page)

Please provide a summary of the nominee's contributions as related to the applicable criteria. (*continued*)



MAYOR'S NEW YEAR'S HONOUR LIST (1976 – 2024)

1976 (Arts)

Catharine Kezia Brickenden
Lenore Crawford
Heinar Piller
Ray Sealey
Bruce Sharpe
Ruth Sharpe

1977 (Arts)

Martin Boundy
A. Elizabeth Murray
James Reaney
Margaret Skinner
Earle Terry

1978 (Arts)

Robin Dearing
Donald Fleckser
Angela Labatt
Dorothy Scuton
Pegi Walden

1979 (Arts)

Paul Eck
Edward Escaf
Clifford Evans
Arnim Walter

1980 (Arts)

Jane E. Bigelow
Barbara Ivey
Richard M. Ivey
Beryl Ivey

1981 (Arts)

Herbert J. Ariss
Dorothy Carter
Noreen DeShane
John H. Moore
S. Elizabeth Moore

1982 (Arts)

Wesanne McKellar
Edward R. Procnier
J. Allyn Taylor

1983 (Arts)

Robert L. (Bob) Turnbull
Frank L. Hallett
Kathleen M. Hallett
Ivor Brake
Phyllis J. Brake
Carol Johnston
Thomas F. Lawson

1984 (Arts)

Minnette Church
Betty Duffield

1985 (Arts)

Nancy Poole
Paddy Gunn O'Brien
Thomas F. Siess

1986 (Arts)

Sasha McInnis Hayman
Gregory R. Curnoe
Thomas J. Hannigan

1987 (Arts)

Caroline L. Conron
Stephen Joy
Gerald Fagan
Millard P. McBain

1988 (Arts)

Maurice A. Coghlin
Arthur Ender
Bernice Harper
Ian Turnbull

1989

Mervin Carter (Safety)
Robert Loveless (Physically Challenged)
Gordon Jorgenson (Crime Prevention)
Orlo Miller (Architectural Conservation)
Nancy Postian (Arts)
Thomas Purdy (Environment)

1990

Julia Beck (Architectural Conservation)
Ruth Clarke (Safety)
Sam Katz (Environment)
Helena Kline (Crime Prevention)
Nellie Porter (Housing)
Nancy Skinner (Physically Disabled)
Maurice Stubbs (Arts)

1991

Paul Ball (Crime Prevention)
Ian Chappell (Crime Prevention)
Silvia Clarke (Architectural Conservation)
Norman Davis (Crime Prevention)
Norma Dinniwel (Arts)
Jay Mayos (Environment)
Marilyn Neufeld (Physically Challenged)
Margaret Sharpe (Crime Prevention)
Glen Sifton (Safety)

1992

Kenneth Bovey (Environment)
Susan Eagle (Housing)
George Mottram (Safety)
Laverne Shipley (Crime Prevention)
Richard Verrette (Arts)
Debbie Willows (Physically Challenged)



MAYOR'S NEW YEAR'S HONOUR LIST (1976 – 2024)

1993

Alan Benninger (Housing)
William Fyfe (Environment)
Wil Harlock (Architectural Conservation)
David Long (Housing)
Margaret MacGee (Safety)
Nancy McNee (Arts)
Craig Stainton (Housing)
Peter Valiquet (Crime Prevention)
Shirley Van Hoof (Physically Disabled)

1994

Michael Baker (Architectural Conservation)
Caroline Bolter (Environment)
Richard Izzard (Crime Prevention)
David Kirk (Safety)
John Moran (Physically Disabled)
John Schunk (Housing)
Katharine Smith (Arts)

1995

Ruth Drake (Architectural Conservation)
Martha Henry (Arts)
Jeff Henderson (Environment)
Sandra McNee (Housing)
Ron Newnes (Crime Prevention)
Tanys Quesnel (Physically Challenged)
Bill Woolford (Safety)

1996

Robert Baumbach and the Dixie Flyers (Arts)
Jess Davidson (Physically Challenged)
Rosemary Dickinson (Environment)
Gertrude Roes (Safety)
Mowbray Sifton (Housing)
Nancy Zwart Tausky (Architectural Conservation)

1997

Karen Burch (Environment)
Gretta Grant (Humanitarianism)
Marion Obeda (Safety and Crime Prevention)
Kim Pratt (Architectural Conservation)
Cesar Santander (Arts)
W. (Bill) Willcock (Housing)

1998

Paterson Ewen (Arts)
Tim Dupee (posthumously) (Physically Challenged)
Sargon Gabriel (Humanitarianism)
Mary Huffman (Safety and Crime Prevention)
Ann McKillop (Heritage Conservation)
Henry and Maria Stam (Environment)

1999

Dan Brock (Heritage Conservation)
Tom Crerar (Environment)
John Davidson (Physically Challenged)
O. Veronica Dryden (posthumously) (Humanitarianism)
Michael Edward Howe (Housing)
Phil Murphy (Arts)
Shelly Siskind (Safety and Crime Prevention)

2000

Lottie Brown (Heritage Conservation)
Hume Cronyn (Arts)
Paul Duerden (Sports)
John Falls (posthumously) (Physically Challenged)
Gwen Barton Jenkins (posthumously) (Humanitarianism)
Judy Potter (Housing)
Paul van der Werf (Environment)

2001

Douglas Bocking (Heritage Conservation)
Connie Cunningham (posthumously) (Housing)
Keith Cartwright (Physically Challenged)
Art Fidler (Arts)
Dan and Mary Lou Smoke (Humanitarianism)
Lesley Thompson (Sports)
Gosse VanOosten (Environment)
Audrey Warner (Safety and Crime Prevention)

2002

Eric Atkinson (Arts)
Bill Brock (Safety and Crime Prevention)
Debbie Dawtrey (Physically Challenged)
Susan Epstein (Environment)
Janet Hunten (Heritage)
Gail Irmiler (Housing)
Carolyn Rundle (Humanitarianism)
Darwin Semotiuk (Sports)

2003

Ralph Aldrich (Arts)
Mary Kerr (Heritage)
Michael Lewis (Physically Challenged)
Laila Norman (Safety and Crime Prevention)
Elaine Pensa (Humanitarianism)
Joseph Rea and the Archangelo Rea Foundation (Environment)
Jan Richardson (Housing)
Clarke Singer (Sports)

2004

Alan Cohen (Arts)
Ayshi Hassan (Humanitarianism)
Dr. Bill Judd (Heritage)
Carol Kish (Safety and Crime Prevention)
Rick Odegaard (Housing)
Jennifer Smith Ogg (Sports)
Cathy Vincent-Linderoos (Physically Challenged)
Dave and Winifred Wake (Environment)

2005

Bernice Brooks (Environment)
Eugene DiTrollo (Safety and Crime Prevention)
Genet Hodder (Heritage)
Prof. Donald McKellar (Arts)
Patrick Murphy (Persons with Disabilities)
Barry Parker (Housing)
Shanti Radcliffe (Humanitarianism)
Jude St. John (Sports)



MAYOR'S NEW YEAR'S HONOUR LIST (1976 – 2024)

2006

Jane Antoniak (Diversity and Race Relations)
John Barron (Arts)
Dale and Mark Hunter (Sports)
Jim Mahon (Environment)
Lorin MacDonald (Persons with Disabilities)
Darlene Ritchie (Housing)
Clare Robinson (Safety and Crime Prevention)
Sister Teresa Ryan (Humanitarianism)
Barry Wells (Heritage)

2007

Eleanor Bradley (Safety and Crime Prevention)
Peter Brennan (Arts)
Chris Doty (posthumously) (Heritage)
Peter Inch (Sports)
Sandy Levin (Environment)
Raul Llobet (posthumously) (Diversity and Race Relations)
Susie Matthias (Persons with Disabilities)
Glen Pearson and Jane Roy (Humanitarianism)

2008

Henri Boyi (Humanitarianism)
Dr. Cathy Chovaz (Persons with Disabilities)
Michelle Edwards (Diversity and Race Relations)
Stephen Harding (Heritage)
Thom McClenaghan (Environment)
Todd Sargeant (Sports)
Jeffrey Paul Schlemmer (Housing)
Dr. Margaret Whitby (Arts)

2009

Mohamed Al-Adeimi (Diversity and Race Relations)
Teresa Anglin (Humanitarianism)
Diana Anstead (Safety and Crime Prevention)
Margaret Capes (Housing)
Mike Circelli (Sports)
Nancy Finlayson (Environment)
Jeff Preston (Persons with Disabilities)
Theresa Regnier (Heritage)
Jim Scott (Arts)

2010

Alison Farough (Safety and Crime Prevention)
Jennifer Grainger (Heritage)
Charlene Lazenby (Housing)
Kathy Lewis (Persons with Disabilities)
Maryanne MacDonald (Environment)
Joyce Mitchell (Diversity and Race Relations)
Darlene Pratt (Arts)
Sister Margo Ritchie (Humanitarianism)
Ray Takahashi (Sports)

2011

Sister Joan Atkinson (Housing)
Major Archie Cairns (Arts)
Bill De Young (Environment)
Mike Lindsay (Sports)
Marlyn Loft (Heritage)
Christina Lord (Humanitarianism)
Dr. Gaston N.K. Mabaya (Diversity and Race Relations)
Marg Rooke (Safety and Crime Prevention)
Cheryl Stewart (Persons with Disabilities)

2012

Maryse Leitch (Arts)
Catherine McEwen (Heritage)
Josip Mrkoci (Sports)
Perpétue Nitunga (Humanitarianism)
Greg Playford (Housing)
Anne Robertson (Persons with Disabilities)
Evelina Silveira (Diversity and Race Relations)
Maureen Temme (Environment)

2013

Meredith Fraser (Diversity and Race Relations)
Bramwell Gregson (Arts)
Bruce Huff (Sports)
Suzanne Huot (Humanitarianism)
David Nelms (Housing)
Joe O'Neil (Heritage)
Shane O'Neill (Environment)
Lou Rivard (Safety and Crime Prevention)
Carmen Sprovieri (Persons with Disabilities)

2014

Barry Fay (Sports)
Talia Goldberg (Persons with Disabilities)
Rebecca Howse (Diversity and Race Relations)
John Nicholson (Arts)
Gary Smith (The Environment)
Lloyd Stevenson (Housing)
Kenneth Wright (Humanitarianism)

2015

Hilary Bates Neary (Heritage)
Alfredo Caxaj (Diversity and Race Relations)
Roger Khouri (Persons with Disabilities)
Michael Lynk (Humanitarianism)
Patrick Mahon (The Arts)
Corina Morrison (Safety and Crime Prevention)
Bob Porter (Environment)
Martha Powell (Housing)
Damian Warner (Sports)

2016

Gary Brown (Environment)
Glen Curnoe (Heritage)
Charles and Carolyn Innis – Humanitarianism
Holly Painter (Arts)
Bonnie Quesnel – Persons with Disabilities
Paul Seale – Safety and Crime Prevention
Jens Stickling (Housing)
Reta Van Every (Diversity and Race Relations)
Tessa Virtue and Scott Moir – Sports



MAYOR'S NEW YEAR'S HONOUR LIST (1976 – 2024)

2017

Dale Yoshida – Arts
Mojdeh Cox – Diversity and Race Relations
Dr. Joseph Cummins – Environment
Sandra Miller – Heritage
Susan Grindrod – Housing
Andrew Rosser – Humanitarianism
Brenda Ryan – Persons with Disabilities
Danielle Mooder – Safety and Crime Prevention
Therese Quigley – Sports

2018

Karen Schuessler – Arts
Dharshi Lacey – Diversity and Race Relations
George Sinclair – Environment
Susan Bentley – Heritage
Sister Delores Brisson – Housing
Lina Bowden – Humanitarianism
Todd Sargeant and Sigmund Bernat – Persons with a Disability
Émilie Crakondji – Safety and Crime Prevention
Tom Partalas – Sports

2019

Rachel Braden and Merel (Facility Dog) - Accessibility
Ernest Maiorana - Age Friendly
Victoria Carter - Arts
Gabor Sass - Environment
Steven Liggett - Heritage
Melissa Hardy-Trevenna - Housing
Jacqueline Thompson - Humanitarianism
Mike Lumley - Sports

2020

Gary Doerr – Accessibility
Patrick Fleming – Age Friendly
Renée Silberman – Arts
Don Campbell – Distinguished Londoner
Hayden Foulon (Posthumously) – Distinguished Londoner
Leroy Hibbert – Distinguished Londoner
Brian Hill – Distinguished Londoner
Rob McQueen – Environment
Arthur McClelland – Heritage
Carla Garagozzo – Housing
Alexander Kopacz – Sports

2021

Gerald (Gerry) LaHay – Accessibility
Jean Knight – Age Friendly
Betty Anne Younker – Arts
Joey Hollingsworth – Distinguished Londoner
Jim Campbell – Distinguished Londoner
Mitchell A. Baran, posthumously – Distinguished Londoner
Wayne Dunn – Distinguished Londoner
Mary Alikakos – Diversity and Race Relations
Marianne Griffith – Environment
Sylvia Chodas – Heritage
Dr. Abe Oudshoorn – Housing
Jeremy McCall – Humanitarianism
Murray Howard – Sports

2022

Hayley Gardiner – Accessibility
Patrician Hoffer – Arts
Joyce E. Larsh – Distinguished Londoner
Mario Circelli – Distinguished Londoner
Mike Evans – Distinguished Londoner
Mandi Fields – Distinguished Londoner
Mary Anne Hodge – Environment
Dorothy Palmer – Heritage
Robert Sexsmith – Housing
Kait Symonds – Safety and Crime Prevention
Maggie MacNeil – Sports

2023

Ashton Forrest – Accessibility
Beverly Farrell – Age Friendly
Karen Schindler – Arts
Edward Medzon – Distinguished Londoner
Jason Rip – Distinguished Londoner
Sydney Vickers – Distinguished Londoner
Joe Cardillo – Distinguished Londoner
Charlene Doak-Gebauer – Distinguished Londoner
Padre Frank Mantz – Distinguished Londoner
Carl Cadogan – Diversity and Race Relations
Tom Cull – Environment
John Manness – Heritage
Nawaz Tahir – Humanitarianism
Roop Chanderdat – Sports

2024

Jennifer Williams – Accessibility
Don Pollock – Age Friendly
Audrey Cooper – Arts
Bill Brady – Distinguished Londoner
Evelyn Chertkow – Distinguished Londoner
Brian Harris – Distinguished Londoner
Sheilah Hogarth – Distinguished Londoner
Youth Coalition Combating Islamophobia – Distinguished Londoner
Rumina Morris – Diversity and Race Relations
Diane Szoller – Environment
Jason Hick – Heritage
Jenna Rose Sands – Humanitarianism
Jamie Walls – Safety and Crime Prevention
Vito Frijia – Sports



Mayor's New Year's Honour List Policy

Policy Name: Mayor's New Year's Honour List Policy

Legislative History: Adopted June 13, 2017 (By-law No. CPOL.-18-214); Amended April 24, 2018 (By-law No. CPOL.-18(a)-144); Amended July 24, 2018 (By-law No. CPOL.-18(b)-390); Amended October 15, 2019 (By-law No. CPOL.-18(c)-288); Amended August 10, 2021 (By-law No. CPOL.-18(d)-231); Amended July 5, 2022 (By-law No. CPOL.-18(e)-204; Amended July 25, 2023 (By-law No. CPOL.-18(f)-207)

Last Review Date: July 25, 2023

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This policy establishes the Mayor's New Year's Honour List for the recognition of individuals who have contributed in an outstanding manner to the community of London in one of the following categories: Accessibility, Age Friendly, Arts, Distinguished Londoner, Diversity and Race Relations, Environment, Heritage, Housing, Humanitarianism, Safety & Crime Prevention, and Sports.

2. Definitions

- 2.1 Not applicable.

3. Applicability

- 3.1 This policy applies to all individuals who have contributed in an outstanding manner to the community of London in prescribed categories.

4. The Policy

4.1 Categories

Individuals may be recognized in any of the following categories:

- a) Accessibility (i.e. contributions to foster an environment of inclusion that embraces citizens of all abilities);
- b) Age Friendly (i.e. contributions to empowering older adults and advancing an age friendly community);
- c) Arts (i.e. contributions to fostering and/or the production of human creativity);
- d) Diversity and Race Relations (i.e. contributions to the elimination of hate and discrimination).
- e) Environment (i.e. contributions to the awareness, preservation and protection of the environment);
- f) Heritage (i.e. contributions to the awareness, preservation and protection of heritage resources);
- g) Housing (i.e. contributions to the provision of safe and accessible housing for all members of the community);
- h) Humanitarianism (i.e. contributions to human welfare through philanthropic and other efforts);

- i) Safety & Crime Prevention (i.e. contributions to a safe and secure community);
- j) Sports (i.e. contributions to the awareness of and participation in sports activity and/or demonstrated excellence within a particular sports activity); or,
- k) Distinguished Londoner (i.e., outstanding contribution to community collaboration or acts of good will by giving back to our City).

4.2 Nominating Committees/Organizations

The following Committees/Organizations shall nominate individuals in the respective categories:

- a) Accessibility – Accessibility Community Advisory Committee;
- b) Age Friendly – Age Friendly London Network;
- c) Arts – London Arts Council;
- d) Diversity and Race Relations – Diversity, Inclusion and Anti-Oppression Community Advisory Committee;
- e) Environment – Environmental Stewardship and Action Community Advisory Committee;
- f) Heritage – Community Advisory Committee on Planning;
- g) Housing – Community and Protective Services Committee;
- h) Humanitarianism – Diversity, Inclusion and Anti-Oppression Community Advisory Committee;
- i) Safety & Crime Prevention – Community and Protective Services Committee;
- j) Sports – London Sports Council; and,
- k) Distinguished Londoner – Each Council Member may submit one (1) name to the Mayor for consideration. The Mayor may select up to six (6) names for recommendation to Municipal Council.

4.3 Conditions

The following conditions shall apply to the nomination of individuals:

- a) no more than one individual in each category shall be named in any one year, except for the category of Distinguished Londoner, subject to:
 - i) an individual may not necessarily be named in each category each year;
 - ii) City Council may, at its sole discretion and on an exception basis, choose to recognize two individuals in any one category in a given year should the City Council determine that two individuals have inseparably partnered in contributing to their respective category, thereby increasing the aggregate amount of nominees beyond the usual maximum of ten individuals to be named in any one year;
- b) the recipients shall be chosen for long standing contributions in their respective categories;
- c) the name of any one individual shall be included on the Honour List only once in their lifetime;

- d) any individual currently serving as a member of any one of the Advisory Committees, City Council, Civic Administration or organizations referred to in 4.2 shall not be eligible for naming to the list during their term of appointment or employment with the City; and,
- e) nominees being recommended by the Advisory Committees or organizations referred to in 4.2 shall receive at least seventy-five (75) percent of the total eligible votes on the respective Advisory Committee or organization.

4.4 Form of Recognition

- a) The recipients shall be honoured at the first meeting of City Council in January, with a reception for themselves and one guest, and presentation of an appropriately-worded certificate.
- b) A plaque shall be displayed in a prominent public area of City Hall honouring those individuals named each year to the Mayor's New Year's Honour List and shall be updated annually by the City Clerk.

Animal Welfare Community Advisory Committee

Report

6th Meeting of the Animal Welfare Community Advisory Committee
June 6, 2024

Attendance W. Brown (Chair), L. Armstrong, A. Hames, A. Hayes, N. Karsch
and M. Rist and H. Lysynski (Acting Clerk)

ABSENT: M. Blosh, K. Coulter and M. Toplack

ALSO PRESENT: E. Hunt, W. Jeffery and M. McBride

The meeting commenced at 3:03 PM; it being noted that W.
Brown, L. Armstrong and N. Karsch were in remote attendance.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 5th Report of the Animal Welfare Community Advisory Committee

That it BE NOTED that the 5th Report of the Animal Welfare Community
Advisory Committee, from its meeting held on May 2, 2024, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Avenues to Maximize Public Awareness Education on Bird Friendly Glass
and Light Impacts – Update

That the following actions be taken with respect to the public awareness
education on bird friendly glass and light impacts:

a) the attached list of events prepared by N. Karsch and M. Rist BE
FORWARDED to the Animal Welfare Community Advisory Committee
Sub-Committee for review and to report back at the next meeting; it being
noted that once a recommendation has been prepared, the Civic
Administration will be invited to the meeting; and,

b) M. Rist BE DIRECTED to contact Pawlooza to book a table for the
AWCAC.

5.2 Humane Co-existence Strategies for Canada Geese and Human Interface
in Parks

That the attached Habitat Modification and Restoration strategies BE
FORWARDED to the Animal Welfare Community Advisory Committee
Sub-Committee for review and report back at the next meeting.

5.3 Wildlife Harms and Rodenticide Use – Update

That the following actions be taken with respect to Rodenticide use in City facilities:

- a) the Senior Manager of Facilities BE INVITED to attend a future Animal Welfare Community Advisory Committee meeting prior to the City renewing its contract for pest control service in 2025 to review the scope of the contract and discuss alternative strategies to use of poison at municipal facilities; and,
- b) a Working Group BE ESTABLISHED to prepare recommendations for print and online communications to support public education about best practices to prevent rodent infestations and apply rodent exclusion methods at residential buildings;

it being noted that the Animal Welfare Community Advisory Committee received a communication from the Animal Welfare Community Advisory Committee and the Environmental Stewardship and Action Community Advisory Committee and held a general discussion with respect to these matters.

5.4 AWCAC Banner – Update

That the discussion of the Animal Welfare Community Advisory Committee banner BE POSTPONED to the next Animal Welfare Community Advisory Committee meeting.

5.5 Bird-Friendly Displays – Update

That it BE NOTED that the Animal Welfare Community Advisory Committee held a general discussion with respect to the bird friendly displays.

5.6 Budget Expense Goals for 2024

That a Working Group BE ESTABLISHED consisting of A. Haynes, A. Hames and M. Rist, to provide recommendations for the expenditure of the 2024 Budget; it being noted that the Animal Welfare Community Advisory Committee held a general discussion with respect to these matters.

6. Adjournment

The meeting adjourned at 4:47 PM.

AWCAC - Bird Display Discussion

Nicole & Mike

May 23, 2024

- Unless Wendy or another AWCAC committee member(s) already have a contact at the hospital, Dr. Anna Gunz, pediatric doctor, at the Children's Hospital, is a great contact to reach out to. The organization I work for (LEN) has participated in outreach events at the hospital before with success
 - ☐ Nicole can connect or provide contact information if needed
- **City of London bird series**
 - ☐ Is this referring to Nature in the City? If so, this is ongoing and AWCAC could connect with organizations that are part of it (Nature London)
- **London International Airport**
 - ☐ Mike contacted Laura Cooper (marketing) at the airport. She is open to working with us and will take it up with the airport manager. She would need some visuals to show as well.
- **List of events that AWCAC could consider attending in the future:**
 - ☐ **Lifestyle Home Show - <https://lifestylehomeshow.ca/> (Next date: January 24-26, 2025)**
 - ☐ Seedy Saturday - <https://londonmiddlesexmastergardeners.com/seedy-saturday-2024/> (Next date TBD)
 - ☐ Eco Adventures - London Children's Museum - https://www.londonenvironment.net/london_children_s_museum_eco_adventures (Next date or if it is happening again is TBD)
 - ☐ EnviroCon - UWO <https://www.uwo.ca/enviro/envirocon/index.html> (Next date and topic TBD)
 - ☐ EarthFest - <https://www.earthfestlondon.ca/> (Next date but will be one Saturday in April 2025)
 - ☐ Hope in the Land (previously Go Wild Grow Wild) <https://caroliniancanada.ca/expo> (Next date is TBD but likely early May 2025)
 - ☐ **Pawlooza - <https://www.pawlooza.com/> (August 17th, 2024) - free booth space for non-profit organizations (Contact: Heather Gerofsky, Vendor Coordinator).**
 - ☐ **Salthaven - <https://www.salthaven.org/events> - hosts weekly presentations throughout the summer in / around the London area. (Next London Event is July 3rd - at Byron Public Library)**
- Organizations AWCAC could consider collaborating with: (that focus on animals, habitats, conservation, etc.)

- ☐ ALUS Middlesex - https://www.londonenvironment.net/alus_middlesex (support to farmers delivering ecosystem services)
- ☐ Bird Friendly London - https://www.londonenvironment.net/bird_friendly_london (looks to transform urban spaces to better protect and support bird species)
- ☐ LOLA Bees - https://www.londonenvironment.net/lola_bees (urban beekeeping)
- ☐ London Urban Beekeepers Collective - https://www.londonenvironment.net/london_urban_beekeepers_collective (urban beekeeping)
- ☐ Nature London - https://www.londonenvironment.net/nature_london_mcilwraith_field_naturalists_of_london (seeks to preserve and enjoy nature)
- ☐ Pollinator Pathways Project - https://www.londonenvironment.net/pollinator_pathways_project (seeks to create a network of pollinator habitats across London)
- ☐ Thames Talbot Land Trust - https://www.londonenvironment.net/thames_talbot_land_trust (protection of lands and waters)
- ☐ Western Wildlife Conservation Society - https://www.londonenvironment.net/western_wildlife_conservation_society (group of students dedicated to conservation and animal rehabilitation)
- ☐ Salthaven Wildlife Rehabilitation & Education Center - <https://www.salthaven.org/> (care and rehabilitation of wildlife)

The Animal Welfare Community Advisory Committee recommends Habitat Modification and Restoration strategies be implemented on a park by park, site by site specific uses bases, in which there is conflict due to high human goose interface, and allow and or develop areas for the enjoyment and appreciation of Canada Geese, as well as the needs of wildlife in areas that do not conflict with those specific land uses.

Background:

The AWCAC heard a delegation from an individual who expressed concern regarding the congregation of Canada Geese in areas where people recreate in parks, such as splash pads and walk ways, with a request for solutions.

The AWCAC met with Paul Yeoman, and held a discussion, regarding specific factors that lead to the densification of Canada Geese in site specific areas of use, that are highly attractive to both humans and Canada Geese.

The AWCAC provided to Paul Yeoman, the source book, **Habitat Modification and Canada Geese**, containing best practices for mitigating human goose conflicts in urban and suburban areas, developed specifically for municipal governance by Dr. Jeff Keller (BSc., P.h.D. Wildlife Ecology), Deborah Doncaster (B.A., M.A., M.E.S. Wildlife Planning and Ecological Restoration in Urban Environments), and Getanjali Guill, (B.A., M.A. London School of Economics).

The research was funded by the Canada Wildlife Service, the City of Mississauga, the International Fund for Animal Welfare, the Humane Society of the United States, Animal Alliance of Canada, and the Animal Protection Institute to establish the way forward for lasting, humane solutions by incorporating the understanding of Canada Geese ecology into urban planning for parks usage goals.

Findings:

The AWCAC has identified the following key factors that have attracted geese to these areas:

- Evolutionarily, Canada geese are tundra nesters that prefer low vegetation adjacent to open water. From a landscape perspective, this arrangement of habitat components is exceedingly simple and lacks any significant vertical elements. The created landscapes typical of many parks, campuses and golf courses (i.e., open water adjacent to mowed lawn) are human-made versions of these naturally occurring open, structurally simple landscapes. Evolutionarily, Canada geese are tundra nesters that prefer low vegetation adjacent to open water. From a landscape perspective, this arrangement of habitat components is exceedingly simple and lacks any significant vertical elements. The created landscapes typical of many parks, corporate campuses and golf courses (i.e., open water adjacent to mowed lawn) are human-made versions of these naturally occurring open, structurally simple landscapes.
- The simplification of park scape features such as grasses mowed short, provide for the preferred grass tuff conditions for foraging. many plants and animals have lost the habitats they need for survival.
- The consequence of habitat loss for our urban and suburban green spaces is that rather than supporting a diversity of species, these simplified landscapes support large numbers of a few

species, Canada Geese being an obvious one. Managed, manicured lawns, chemical applications, and with few, if any, trees and shrubs (“open space”), jeopardizes the integrity of our ecosystems that would support the kind of biodiverse plants and animals that bring populations of species into a better balance. Canada geese are a visible testament to the expanse of habitat simplification and environmental degradation in our urban environments.

- Easy access to from the water to on shore with no obstacles to prevent their coming onto land.
- Access to areas in which there are optimal sight lines from land to the waterway that allow for escape from predators preferred by Canada Geese.
- Splash pads located near water ways that provide relief for Canada Geese, while at the same time provide suitable sight lines to avoid predators and escape to the water.
- Lack of awareness by the public of unintended consequences of feeding Canada Geese as it relates to an inflation in Canada Geese populations, disrupts migration, and increases their congregation in areas where humans recreate.

Recommended Principles to Decrease Habitat Suitability:

- Reduce sightlines at access points to and within foraging or nesting areas. Suitable goose habitat generally consists of large areas of low vegetation, typically grass, adjacent or close to open water, where sightlines are long and early predator detection and escape are facilitated.
- Reducing sightlines to the point where geese are uncomfortable (<9m) is the most general landscape principle that can be applied to reduce the attractiveness of an area to geese. (Think like a goose!).
- Physically reduce or impede access to foraging areas via water or air. Where sightline reduction is insufficient to deter use, employ landscaping approaches that physically reduce access to areas attractive to geese.
- Reduce actual size of foraging areas where sightline reduction is insufficient to deter use, employ landscaping approaches that reduce or eliminate the extent of areas attractive to geese.
- Reduce forage palatability. Young grass shoots, particularly those of finer-bladed species such as Kentucky bluegrass, are the preferred food of geese. Any techniques that reduces the proportion or availability of young shoots of finely bladed species within a foraging area will reduce the attractiveness of that area to geese.
- Provide preferred grazing areas for Geese to nest, and graze using habitat modification techniques and and natural landscaping.

Recommended techniques:

Use shoreline treatments that deter geese from gaining access to their preferred foraging habitat, mowed lawn, via from the water to the shore such as habitat modification along the shoreline, coupled with those on land.

Create Aquatic Benches of aquatic emergent vegetation along the shoreline of a waterbody to create a physical as well as a visual barrier to geese. Aquatic benches are shallow, adjacent to the shoreline, graded to a depth of 12-15”, sloped rapidly to deeper water. They should be coupled with buffer plantings on the landward side of the shoreline for maximum effectiveness.

Create Hard Edges (Rock Barriers, Decks and Boardwalks) with the objective of providing attractive physical and visual access to the water for humans while simultaneously precluding access for geese, and can be accomplished using a variety of techniques.

Implement Terrestrial Treatments, using the simple rule that it should be tall enough and dense enough to disrupt goose sight lines.

Create Low Shrubs and Meadows Native grassland / wildflower meadows and low shrubs (0.8-2m) used in combination or as separate plantings, which can be very effective in reducing levels of Canada geese, especially when combined with other landscape treatments. Barrier Fences

Use Barrier Fencing which can be combined with shrub plantings and according to the fencing features and height recommendations for avoiding ensnarement or damage to fencing. Grazing Area Treatments

Reduce Areas of Grazing by reducing area of lawn, reduce or eliminate mowing, reduce or eliminate fertilizer use, stop watering lawns, and by planting less palatable plants.

Create an alternative feeding area in which the congregation of large numbers of geese does not generate human-geese conflict. Trees

Stands of tall Trees to prevent geese from landing in grazing areas, by increasing the angle of ascent (also known as the flight clearance angle) to >13 degrees. Stands must be dense enough that geese cannot maneuver through the canopy. Given the time it takes for stands to become tall enough, tall tree barriers must be considered as a long-term objective in the overall habitat modification program.

Conclusion:

Canada geese provide a very visible indication of the environmental problems associated with the design and maintenance of our urban green space. Canada geese are not the problem, per se, rather, they are symptomatic of a broader, deeper problem - ecological degradation. The source book provides habitat modification prescriptions that are ecologically based. The recommendation in terms of types of species and configuration of landscapes useful in mitigating human-geese conflicts, reflect an understanding of current approaches to ecological restoration.

Along with the primary objective of reducing human/goose conflicts, habitat modification prescriptions contained in the document, have the added benefits of biodiversity enhancement, recreational diversification, beautification, CO2 reduction, smog reduction, and riparian rehabilitation.

It is the conclusion of the AWCAC after careful examination of the issues, that the document provides a municipal template for addressing site by site land usage intentions and purposes, from an understanding of Canada Goose ecology, in order to reach humane, lasting solutions and improvements to our city parks, and empowers communities to co-exist with wildlife, in ways that better serve the needs of people, the health of the environment, and of wildlife.

Animal Welfare Community Advisory Committee

Report

July 4, 2024
7th Meeting of the Animal Welfare Community Advisory Committee

Attendance M. Blosh (Acting Chair), L. Armstrong, A. Hames, A. Hayes, N. Karsch, M. Love, M. Rist and M. Toplack and H. Lysynski (Acting Clerk)

ABSENT: W. Brown and K. Coulter

ALSO PRESENT: W. Jeffery, M. McBride, J. Raycroft and J. Wischlinski

The meeting commenced at 3:01 PM; it being noted that L. Armstrong, M. Blosh, A. Hames, A. Hayes, N. Karsch, M. Love and M. Toplack were in remote attendance.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 6th Report of the Animal Welfare Community Advisory Committee

That it BE NOTED that the 6th Report of the Animal Welfare Community Advisory Committee, from its meeting held on June 6, 2024, was received.

3.2 Municipal Council Resolution - 5th Report of the Animal Welfare Community Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on June 4, 2024, with respect to the 5th Report of the Animal Welfare Community Advisory Committee, was received.

4. Sub-Committees and Working Groups

4.1 Creation of a Dog Friendly London Sub-Committee

That a Working Group consisting of M. Rist (lead), A. Hames and A. Hayes BE ESTABLISHED to provide advice and recommendations on making London more dog friendly.

5. Items for Discussion

5.1 Canada Goose Mitigation Recommendations

That the Canada Goose Mitigation recommendations BE REFERRED back to the Animal Welfare Community Advisory Committee Sub-Committee for further discussion.

5.2 Displays at Public Awareness Events

That it BE NOTED that the Animal Welfare Community Advisory Committee (AWCAC) heard a verbal presentation from N. Karsch, with respect to public events that the AWCAC could attend; it being noted that the list of events was appended to the AWCAC Added Agenda.

5.3 Pawlooza

That it BE NOTED that the Animal Welfare Community Advisory Committee (AWCAC) heard a verbal presentation from M. Rist, with respect to Pawlooza.

5.4 Banner

That the expenditure of up to \$300.00, from the 2024 Animal Welfare Community Advisory Committee (AWCAC) budget, BE APPROVED to purchase a retractable banner with a carrying case and a stand for AWCAC to take to public awareness events.

6. **Adjournment**

The meeting adjourned at 4:17 PM.

Accessibility Community Advisory Committee
Report

3rd Meeting of the Accessibility Community Advisory Committee
June 27, 2024

Attendance PRESENT: J. Menard (Chair), N. Judges, S. Mahipaul, A. McGaw, P. Moore, M. Papadakos, J. Peaire, K. Pereyaslavska, B. Quesnel, P. Quesnel and J. Bunn (Committee Clerk)

ALSO PRESENT: D. Baxter, M. Fontaine, S. Govindaraj, P. Lupa, J. Martino and M. Stone

ABSENT: M. Bruner-Moore, A. Garcia Castillo, U. Iqbal and D. Ruston

The meeting was called to order at 3:00 PM; it being noted that S. Mahipaul, J. Menard, M. Papadakos, J. Peaire, K. Pereyaslavska, B. Quesnel and P. Quesnel were in remote attendance.

1. Call to Order

- 1.1 Disclosures of Pecuniary Interest
- That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

- 2.1 Mobility Master Plan Public Engagement
- That it BE NOTED that the presentation, dated June 2024, from M. Fontaine, Senior Communications Specialist, Public Engagement (Construction and Transportation) and M. Stone, Accessibility and Inclusion Advisor, with respect to the Mobility Master Plan Public Engagement, was received.
- 2.2 Neighbourhood and Community-Wide Services on Neighbourhood Decision Making
- That it BE NOTED that the verbal presentation from J. Martino, Manager, Neighbourhood Development and Support, with respect to the Neighbourhood Decision Making Program, was received.

3. Consent

- 3.1 2nd Report of the Accessibility Community Advisory Committee
- That it BE NOTED that the 2nd Report of the Accessibility Community Advisory Committee, from the meeting held on May 23, 2024, was received.
- 3.2 Notice of Planning Application - Official Plan and Zoning By-law Amendments - Transit Village Amendments - Oxford-Richmond and 100 Kellogg Lane
- That it BE NOTED that the Notice of Planning Application, dated June 13, 2024, from S. Filson, Planner, with respect to Official Plan and Zoning By-law Amendments related to Transit Village Amendments for Oxford-Richmond and 100 Kellogg Lane, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

None.

6. Adjournment

The meeting adjourned at 4:06 PM.

Report to Community and Protective Services Committee

To: Chair and Members,
Community and Protective Services Committee

From: Anna Lisa Barbon, Deputy City Manager, Finance Supports
Cheryl Smith, Deputy City Manager, Neighbourhood and
Community-Wide Services

Subject: RFP-2024-100 Prime Consulting Services for CHOCC
Teaching Kitchen and Elevator

Date: July 15, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Finance Supports and Deputy City Manager, Neighbourhood and Community-Wide Services, the following actions be taken with respect to the Request for Proposal Prime Consulting Services for CHOCC Teaching Kitchen and Elevator (RFP-2024-100):

- a) The proposal submitted by 17\21 architects inc., 1065 Valetta St, London, for the Prime Consultant Services for CHOCC Teaching Kitchen and Elevator project for a fee of \$152,015.00 excluding HST **BE ACCEPTED**; it being noted that the evaluation team determined the proposal submitted by 17\21 architects inc. provided the best technical and financial value to the Corporation, met the City's requirements in all areas and acceptance is in accordance with section 15.2 of the Procurement of Goods and Services Policy;
- b) The financing for this project **BE APPROVED** as set out in the Sources of Financing Report attached as Appendix "A";
- c) The Civic Administration **BE AUTHORIZED** to undertake all administrative acts which are necessary in connection with the 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 a contract or any other documents, if required, to give effect to these recommendations

Executive Summary

This report is submitted to seek Council approval to enter a formal agreement with 17\21 architects inc. for Prime Consulting Services for the design and contract administration of the CHOCC Teaching Kitchen and Elevator project.

Linkage to the Corporate Strategic Plan

The CHOCC Teaching Kitchen and Elevator project is aligned with the following strategic area of focus and outcomes from the City of London Strategic Plan 2024-2027:

Wellbeing and Safety

- 1. London has safe, vibrant, and healthy neighbourhoods and communities.
 - 1.3 Londoners have safe access to public spaces, services, and supports that increase wellbeing and quality of life.
 - a. Deliver programs and activities that foster improved physical, mental, and social wellbeing.
 - b. Invest in publicly-owned facilities, parks, open spaces, and natural amenities that provide cultural, social, and recreational opportunities, programming and engagement.

- c. Remove barriers to accessing public spaces, services, and supports for equity-denied groups.
- d. Reduce barriers for community partners to host special events in publicly-owned spaces across the city.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Investing in Canada Infrastructure Plan: Community, Culture, and Recreation Stream (September 10, 2019)
Community and Protective Services Committee
- Investing in Canada Infrastructure Plan: Community, Culture, and Recreation Stream – Transfer Payment Agreement (August 31, 2021)
Community and Protective Services Committee

1.2 Background

In August 2019, the Province of Ontario announced the opening of the Community, Culture, and Recreation (CCR) Stream of funding under the Federal Investing in Canada Infrastructure Plan (ICIP).

Projects must contribute to improved access to and/or increased quality of cultural, recreational and/or community infrastructure, including Indigenous peoples and vulnerable populations.

Municipalities and other eligible recipients were invited to submit projects starting on September 3, 2019, within two (2) categories:

1) Multi-purpose Category:

- New build, large-scale renovation or expansion of existing facility projects that provide integrated service delivery to address identified service gaps.
- Projects not to exceed \$50 million in total project costs.

2) Rehabilitation and Renovation Category:

- Renovation or rehabilitation that would improve the condition of existing facilities including small-scale improvements to address accessibility as well as small new build/construction projects of recreation, cultural or community infrastructure (e.g. playing fields, tennis courts, small community squares).
- Projects not to exceed \$5 million in total project costs.

On January 8, 2021, The Corporation of the City of London was made aware that two (2) projects were successful in receiving funds through the program, Labatt Park and Carling Heights Optimist Community Centre (CHOCC), both in the rehabilitation and renovation category. A virtual funding announcement with all levels of government took place on March 4, 2021.

The objective of the Carling Heights Optimist Community Centre (CHOCC) project is to provide an accessible and collective space for the kitchen and meeting space, and barrier free access to the second-floor viewing areas of the pool and gymnasium.

2.0 Discussion and Considerations

A Request for Pre-Qualification RFPQ-2023-243 was issued September 26, 2023. The responses from seven (7) architectural firms were received October 17, 2023 and were reviewed and evaluated by staff from Fleet & Facilities. Three (3) firms' qualifications were found to be acceptable.

Request for Proposal RFP-2024-135 was issued May 16, 2024, to the three (3) pre-qualified firms. Two (2) proposals were received June 6, 2024, and evaluated by staff from Fleet & Facilities against the following criteria:

- Project Team
- Design Philosophy
- Project Methodology and Commitment to Schedule

The proposal submitted by 17\21 architects inc. was deemed to provide the best technical and financial value to the Corporation and it is recommended that they be awarded a contract for the work in accordance with section 15.2 (e) of the Procurement of Goods and Services Policy.

Based on current timelines, construction is scheduled to commence in 2025 with completion planned in 2026.

3.0 Financial Impact/Considerations

The proposal for design services submitted by 17\21 architects inc. for CHOCC Teaching Kitchen and Elevator project totals \$152,015.00. Funding to cover the costs of this contract are accommodated within the Transfer Payment Agreement, the municipal share is funded from existing approved capital budgets for life-cycle renewal (LCR) as outlined in Appendix A, Source of Financing Report.

There are no additional operating costs associated with the award of this contract.

Conclusion

It is recommended that Council provide approval to enter into a contract with 17\21 architects inc. for the design and construction administration services for the CHOCC Teaching Kitchen and Elevator project.

Prepared by:	Ashley Howard, Manager Facilities Design and Construction, Fleet & Facilities
Submitted by:	Jon Paul McGonigle, Director, Recreation & Sport Lynda Stewart, Director, Fleet & Facilities
Recommended by:	Cheryl Smith, Deputy City Manager, Neighbourhood and Community-Wide Services Anna Lisa Barbon, Deputy City Manager, Finance Supports

c: Steve Mollon, Senior Manager, Purchasing and Supply, Finance Supports
 Doug Drummond, Financial Business Administrator, Finance Supports
 Val Morgado, Senior Manager, Facilities

Attached: Appendix A – Source of Finance

Appendix "A"

#24144
July 15, 2024
(Award Consulting Services)

Chair and Members
Community and Protective Services Committee

RE: RFP-2024-100 Prime Consulting Services for CHOCC Teaching Kitchen and Elevator
(Work Order 2548403)
Capital Project RC2631 - CHOCC Teaching Kitchen and Elevator
17/21 architects inc. - \$152,015.00 (excluding HST)

Finance Supports Report on the Sources of Financing:

Finance Supports confirms that the cost of this project 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 and the Deputy City Manager, Neighbourhood and Community-Wide Services, the detailed source of financing is:

Estimated Expenditures	Approved Budget	Committed To This Date	This Submission	Balance for Future Work
Engineering	154,691	0	154,691	0
Construction	1,715,309	0	0	1,715,309
Total Expenditures	\$1,870,000	\$0	\$154,691	\$1,715,309

Sources of Financing

Capital Levy	445,874	0	36,884	408,990
Drawdown from Capital Infrastructure Reserve Fund	52,855	0	4,372	48,483
Federal Grants - Investing in Canada Infrastructure Program (ICIP) - Community, Culture, Recreation Stream (40%)	748,000	0	61,876	686,124
Provincial Grants - Investing in Canada Infrastructure Program (ICIP) - Community, Culture, Recreation Stream (33.33%)	623,271	0	51,559	571,712
Total Financing	\$1,870,000	\$0	\$154,691	\$1,715,309

Financial Note:

Contract Price	\$152,015
Add: HST @13%	19,762
Total Contract Price Including Taxes	171,777
Less: HST Rebate	-17,086
Net Contract Price	\$154,691


Jason Davies
Manager of Financial Planning & Policy

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Report to Community and Protective Services Committee

To: Chair and Members,
Community and Protective Services Committee

From: Anna Lisa Barbon, Deputy City Manager, Finance Supports
Cheryl Smith, Deputy City Manager, Neighbourhood and
Community-Wide Services

Subject: RFP-2024-135 Prime Consulting Services for Kinsmen Arena
Deep Energy Retrofit

Date: July 15, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Finance Supports and Deputy City Manager, Neighbourhood and Community-Wide Services, the following actions be taken with respect to the Request for Proposal Prime Consulting Services for Kinsmen Arena Deep Energy Retrofit (RFP-2024-135):

- a) The proposal submitted by J.L. Richards & Associates Limited, 450 Speedvale Avenue West, Suite 107 in Guelph, for the Prime Consultant Services for the Kinsmen Arena Deep Energy Retrofit project for a fee of \$199,595.00 excluding HST **BE ACCEPTED**; it being noted that the evaluation team determined the proposal submitted by J.L. Richards & Associates Limited provided the best technical and financial value to the Corporation, met the City's requirements in all areas and acceptance is in accordance with section 15.2 of the Procurement of Goods and Services Policy;
- b) The financing for this project **BE APPROVED** as set out in the Sources of Financing Report attached as Appendix "A";
- c) The Civic Administration **BE AUTHORIZED** to undertake all administrative acts which are necessary in connection with the 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 a contract or any other documents, if required, to give effect to these recommendations

Executive Summary

This report is submitted to seek Council approval to enter a formal agreement with J.L. Richards & Associates Limited for Prime Consulting Services for the design and contract administration of the Kinsmen Arena Deep Energy Retrofit project.

Linkage to the Corporate Strategic Plan

The Kinsmen Arena Deep Energy project is aligned with the following strategic area of focus and outcome from the City of London Strategic Plan 2024-2027:

Climate Action and Sustainable Growth

- 3. London's infrastructure and systems are built, maintained, and operated to meet the long-term needs of the community.
 - 3.2 Infrastructure is built, maintained, and secured to support future growth and protect the environment.
 - b. Build, maintain and operate assets with consideration for energy efficiency, environmental sustainability and climate resilience.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Kinsmen Recreation Centre Contribution Agreement (February 22, 2023)
Community and Protective Services Committee

1.2 Background

In April 2021, the Government of Canada announced the opening of the Green and Inclusive Community Buildings (GICB) Program funding as part of the Strengthened Climate Plan. The five-year \$1.5 billion Green and Inclusive Community Buildings Program supports green and accessible retrofits, repairs or upgrades of existing public community buildings and the construction of new publicly accessible community buildings that serve high-needs, and underserved communities across Canada.

The Program is also intended to advance the Government's climate priorities by improving energy efficiency, reducing Green House Gas emissions (GHG), and enhancing the climate resilience of community buildings.

On May 12, 2022, The Corporation of the City of London was made aware that the Kinsmen Arena Deep Energy Retrofit project was successful in receiving funds through the Program, and a subsequent in-person funding announcement with federal and local leaders took place on July 28, 2022 at Kinsmen Recreation Centre.

Summary of the Kinsmen Arena Deep Energy Retrofit Project

The objectives of the Kinsmen Arena Deep Energy Retrofit project is to substantially curtail the facilities carbon emissions and increase accessibility at the Kinsmen Arena and Community Centre by:

- Reducing the facilities energy consumption by 43%.
- Reduce GHG carbon emissions by 166 tCO₂.
- Increasing accessibility within the facility.

The project scope includes the renewal of the facility's HVAC, roof, lighting, and building automation systems. The new HVAC system will recover waste heat from the ice plant. To substantially curtail carbon emissions, waste heat from the refrigeration plant will be utilized for space heating following the expansion and renewal of the existing hydronic distribution and building automation systems.

A baseline energy audit was performed. This project is expected to significantly increase the energy efficiency of the facility with anticipated energy reduction of 43%. This project is also expected to reduce Green House Gas (GHG) emissions by 166 tonnes.

Detailed design will take place throughout 2024 into 2025 with construction taking place in 2025 and 2026. Construction will be coordinated and phased to limit disruption to programs and planned activities.

2.0 Discussion and Considerations

A Request for Pre-Qualification RFPQ-2023-259 was issued November 7, 2023. The responses from nine (9) architectural firms were received December 7, 2023 and were reviewed and evaluated by staff from Fleet & Facilities. Seven (7) firms' qualifications were found to be acceptable.

Request for Proposal RFP-2024-135 was issued May 1, 2024, to the seven (7) pre-qualified firms. Six (6) proposals were received June 5, 2024, and evaluated by staff from Fleet & Facilities against the following criteria:

- Project Team
- Design Philosophy
- Project Methodology and Commitment to Schedule

The proposal submitted by J.L. Richards & Associates Limited was deemed to provide the best technical and financial value to the Corporation and it is recommended that they be awarded a contract for the work in accordance with section 15.2 (e) of the Procurement of Goods and Services Policy.

3.0 Financial Impact/Considerations

The proposal for design services submitted by J.L. Richards & Associates Limited for Kinsmen Arena Deep Energy Retrofit project totals \$199,595.00. Funding to cover the costs of this contract are accommodated within Contribution Agreement, the municipal share is funded from existing approved capital budgets for life-cycle renewal (LCR) as outlined in Appendix A, Source of Financing Report.

There are no additional operating costs associated with the award of this contract.

Conclusion

It is recommended that Council enter a contract with J.L. Richards & Associates Limited for the design and construction administration services for the Kinsmen Arena Deep Energy Retrofit.

Prepared by:	Ashley Howard, Manager Facilities Design and Construction, Fleet & Facilities
Submitted by:	Jon Paul McGonigle, Director, Recreation & Sport Lynda Stewart, Director, Fleet & Facilities
Recommended by:	Cheryl Smith, Deputy City Manager, Neighbourhood and Community-Wide Services Anna Lisa Barbon, Deputy City Manager, Finance Supports

c: Steve Mollon, Senior Manager, Purchasing and Supply, Finance Supports
Doug Drummond, Financial Business Administrator, Finance Supports
Val Morgado, Senior Manager, Facilities

Attached: Appendix A – Source of Finance

Appendix "A"

#24143
July 15, 2024
(Award Consulting Services)

Chair and Members
Community and Protective Services Committee

RE: RFP-2024-135 Prime Consulting Services for Kinsmen Arena Deep Energy Retrofit
(Work Order 2553180)
Capital Project RC2210 - Kinsmen Arena Deep Energy Retrofit
J.L. Richards & Associates Limited - \$199,595.00 (excluding HST)

Finance Supports Report on the Sources of Financing:

Finance Supports confirms that the cost of this project 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 and the Deputy City Manager, Neighbourhood and Community-Wide Services, the detailed source of financing is:

Estimated Expenditures	Approved Budget	Committed To This Date	This Submission	Balance for Future Work
Engineering	250,000	0	203,108	46,892
Construction	2,487,404	0	0	2,487,404
Total Expenditures	\$2,737,404	\$0	\$203,108	\$2,534,296

Sources of Financing

Drawdown from Recreation Renewal Reserve Fund	547,481	0	40,622	506,859
Federal Grants - Green and Inclusive Community Buildings (GICB)	2,189,923	0	162,486	2,027,437
Total Financing	\$2,737,404	\$0	\$203,108	\$2,534,296

Financial Note:

Contract Price	\$199,595
Add: HST @13%	25,947
Total Contract Price Including Taxes	225,542
Less: HST Rebate	-22,434
Net Contract Price	\$203,108


Jason Davies
Manager of Financial Planning & Policy

ah

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Cheryl Smith, Deputy City Manager, Neighbourhood and Community-Wide Services

Subject: Subsidized Transit Program Update

Date: July 15, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Neighbourhood and Community-Wide Services, the report dated July 15, 2024, titled “Subsidized Transit Program Update” **BE RECEIVED** for information.

Executive Summary

The purpose of this report is to provide information about usage of the five subsidized transit programs supported by the City of London and to report on a recent review of the Income Related Transit Program, including recommendations for program improvements.

Linkage to the Corporate Strategic Plan

The Subsidized Transit Program is aligned with the strategic area of focus Wellbeing and Safety, as presented in the 2023-2027 City of London Strategic Plan:

- Outcome: that London is an affordable and supportive community for individuals and families.
- Expected Result: Londoners have equitable access to key services, community supports, and recreational opportunities that enhance wellbeing and resilience.
- Strategy: Provide, enhance, and promote access to municipal subsidy programs, including public transit.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter:

- Integrated Subsidized Transit Program: Phase 1 Funding Agreement (CPSC, May 11, 2021).
- Income-Related Subsidized Public Transit Program for Individuals 18 Years of Age and Older Evaluation (CPSC, October 9, 2019).
- Adults 18 and Over Income-Related Subsidized Public Transit Program Council By-Law, Agreement, and Administration Process (CPSC, October 11, 2017).

1.2 Subsidized Transit Program Overview:

Affordable and accessible transportation enhances the quality of life for Londoners by helping mitigate barriers that affect a person's ability to maintain employment, access health care, and participate in social activities for themselves and their families. As a result, access to transportation is a key factor related to Londoners’ having equitable access to key services, community supports, and recreational opportunities that enhance wellbeing and resilience.

The City of London currently subsidizes transit fares as follows:

- Subsidized transit passes for individuals who are visually impaired (100% subsidized).
- Subsidized transit tickets for children 12 years of age and under (100% subsidized).
- Subsidized transit passes for youth 13-17 years of age (36% subsidized).
- Subsidized transit tickets for individuals 65 years of age and over (25% subsidized).

- Income related subsidized transit passes for those 18 years of age and over (36% subsidized).

In 2023, an evaluation of the Income Related Transit Program was completed. The purpose of the evaluation was to assess program affordability and accessibility and identify recommendations for program improvements. The evaluation was designed to compliment the 2021 evaluation and build on the findings and recommendations.

The purpose of this report is to:

- Provide an update on the Subsidized Transit Program usage, costs, and pressures; and,
- Report the Income Related Transit Program evaluation findings and recommendations.

2.0 Discussion

2.1. Subsidized Transit Program Usage:

Participation in the Subsidized Transit Program was significantly impacted by the COVID-19 pandemic. Significant declines in the usage of the Income Related Transit Program have not recovered to pre-pandemic levels. However, the Youth Pass, Children’s Tickets, Visually Impaired Rides, and Seniors’ Tickets all saw increases in 2023 to levels comparable with pre-pandemic usage. Notably, usage of the youth passes is increasing, with a 40% increase in usage between 2022 to 2023. Usage of Youth Passes in 2023 is comparable to data from 2019. The usage of Seniors’ Tickets is also rising, with a 16% increase in usage from 2022 to 2023. Usage of Seniors’ tickets in 2023 was 48% higher than in 2019.

The following table displays the usage data trends of all subsidized transit programs over the past five years (2019-2024).

Table 1. Subsidized Transit Usage Data – Five Year Trend (2019-2023)

Program Type	Program	2019	2020	2021	2022	2023
Passes	Income Related Transit Program	12,660	5,109	4,246	4,542	5,930
	Youth Pass	10,967	4,504	2,755	7,606	10,612
Tickets	Children’s Tickets	312,824	88,221	56,061	139,419	200,833
	Visually Impaired Rides	86,058	44,438	44,673	58,653	71,988
	Seniors’ Tickets	368,090	246,716	242,111	471,268	545,969

A variety of factors can influence Subsidized Transit Program usage, including the cost to user, relative affordability and cost of living, consumer needs, and seasonal fluctuations in ridership. Two key factors are currently being closely monitored:

1. The 2024 London Transit Commission (LTC) fare increase that came into effect January 1, 2024; and,
2. Ontario’s Employment Services Transformation which resulted in changes to transportation support available to Ontario Works clients.

The 2024 fare increase impacts on the cost of subsidized passes and tickets are outlined in Table 2 below.

Table 2. Impact of LTC Fare Increases on City of London and End User Costs

Program Type	Program	Previous Cost to User	Current Cost to User	Previous Cost to City	Current Cost to City
Passes	Income Related Transit Program	\$61 per pass	\$72 per pass	\$34 per pass	\$40 per pass
	Youth Pass	\$61 per pass	\$72 per pass	\$34 per pass	\$40 per pass
Tickets	Children's Tickets	\$0 per ticket	\$0 per ticket	\$1.30 per ticket	\$1.53 per ticket
	Visually Impaired	\$0 per ticket	\$0 per ticket	\$2.25 per ticket	\$2.65 per ticket
	Senior's Tickets	\$1.70 per ticket	\$2.00 per ticket	\$0.55 per ticket	\$0.65 per ticket

Overall, fare increase has resulted in an 18% increase in costs for end users and for the City of London.

Analysis of Income Related Transit Program applications reveals that there has been an increase in the number of applicants in 2024 who report Ontario Works as an income source, as compared to 2023 data. It is possible that this increase is due to the realignment of funds between the Ministry of Labour, Immigration, Training and Skills Development and the Ministry of Children, Community and Social Services, and changes in eligibility for Ontario Works participation benefit funding. Ontario's Employment Services Transformation has changed how and when individuals accessing Employment Services Providers receive funding for employment-related transportation expenses. This funding is now accessed through Employment Ontario Services Providers who are able to provide supports to remove temporary barriers to employment, including transportation-related costs.

Ontario Works clients not yet connected to employment services or focusing on life stabilization, have been unable to receive the full amount of the bus pass, therefore effective January 2024, these clients were directed and supported in accessing the Income Related Transit Program. Internally, Life Stabilization and the London Regional Employment Sector are working together to coordinate benefits to best support clients and their transit needs. However, ongoing monitoring and further analysis is needed to determine whether the observed changes can be attributed to these factors and whether these trends will be sustained.

Table 3. Subsidized Transit Usage Data – 2023 vs. 2024 Usage to Date

Program Type	Program	2023 (Jan - May)	2024 (Jan - May)
Passes	Income Related Transit Program	2,243	2,892
	Youth Pass	4,676	5,341
Tickets	Children's Tickets	72,542	92,033
	Visually Impaired Ride	26,990	27,587
	Senior's Tickets	213,484	249,167

The data currently available (January – May) indicates all subsidized transit programs are on track to meet or exceed 2023 levels; however, further monitoring is necessary to determine the extent these changes will impact the Subsidized Transit Program.

2.2 Subsidized Transit Program Costs:

The current budget for all of five of the subsidized transit programs is \$1,512,076. In 2023, the actual cost of all programs was \$1,285,756. However, according to LTC projections, the expected costs of all programs in 2024 is \$1,663,686. Based on available data from 2024 so far, all programs are experiencing an increase in usage and program expenditures are on track to exceed the allocated budget (see tables 3 and 4 for details).

Table 4. Subsidized Transit Usage Data – 2023 vs. 2024 Q1 Actuals

Program Type	Program	Q1 2023	Q1 2024	Percent Increase
Passes	Income Related Transit Program	1,310	1,677	28%
	Youth Pass	2,731	3,140	15%
Tickets	Children’s Tickets	38,737	52,910	37%
	Visually Impaired Rides	15,355	15,739	3%
	Senior’s Tickets	121,418	139,266	15%

Table 5. Subsidized Transit Cost Data - Cost Projections vs. Actuals (Jan-May 2024)

Month (2024)	Projections	Actuals (all programs)
January	\$119,020	\$132,671
February	\$119,757	\$134,121
March	\$131,555	\$139,072
April	\$140,625	\$144,832
May	\$142,560	\$154,499
Total	\$653,517	\$705,195

3.0 Income Related Transit Program Review

3.1. Income Related Transit Program Background:

The Income Related Transit Program was approved by Council and implemented in January 2018 in alignment with Council’s Strategic Plan. The purpose of the program is to provide accessible public transit to individuals experiencing low income and help mitigate barriers that affect a person’s quality of life.

The Income Related Transit Program offers eligible residents a 36% discount on the cost of an unlimited monthly pass. As of January 2024, the cost of the subsidized pass is \$72, a 36% discount from full cost of \$112. The City of London provides grant payments in the amount of \$40 per pass to the LTC.

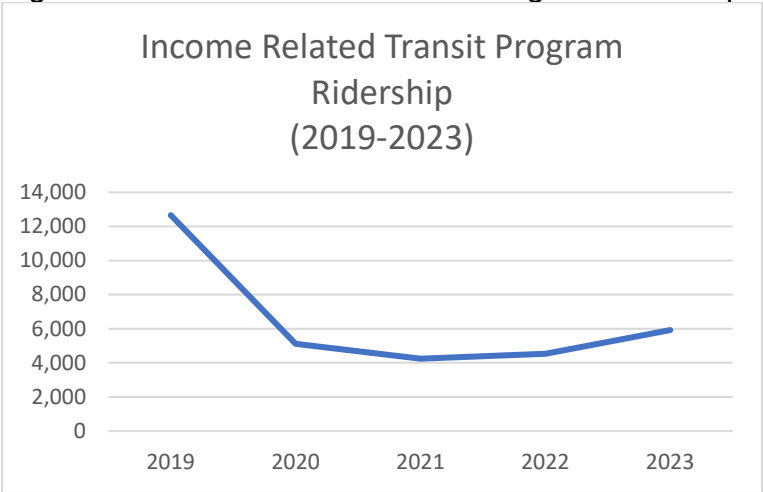
To qualify for the Income Related Transit Program, a resident must meet the following criteria:

- Be a resident of London, Ontario;
- Be 18 years of age or older; and,
- Have a current income that is below the Low Income Cut Off After-Tax (LICO-AT) measure.

According to 2021 census data, approximately 22,555 Londoners are eligible for the Income Related Transit Program.

Participation in the Income Related Transit Program has declined by about 50% from their pre-pandemic numbers in 2019 and 80% when compared to 2018 ridership (Figure 1).

Figure 1. Income Related Transit Program Ridership - Five Year Trend (2019-2023)



3.2. Results of Income Related Transit Program Evaluation:

In 2023, a review of the affordability and accessibility of the Income Related Transit Program was completed. The purpose of the review was to assess Income Related Transit Program participation and ways to improve the Program. The review consisted of the following components:

1. Review and analysis of available program data.
2. Survey of Income Related Transit Program user and eligible non-users.
3. Focus groups with Income Related Transit Program users and eligible non-users.
4. Interviews with subject matter experts and key program staff.
5. Municipal scan of subsidized transit programs from comparable municipalities.

Survey Results

235 individuals participated in the Income Related Transit Program Evaluation Survey. 72.4% of respondents were currently participating in the program while 27.7% were not. Those 27.7% that were not participating in the program were directed to a different set of questions.

Respondents were asked to reflect on their experiences with the program and questions related to transit ridership, affordability, administration, and suggestions for improvements. The main findings include:

- 38% of respondents use the Income Related Transit Program pass every day, while 54% use the pass several times per week.
- 49% of respondents feel the Income Related Transit Program pass is 'very affordable' and 43% feel it is 'somewhat affordable', with only 9% feeling it is 'not affordable'.
- 80% of respondents felt that they did not experience any barriers/challenges related to participation. However, that number decreased to 63% for Indigenous respondents and 74% for those who identify as racialized.

Overall, the average positive impact score on a scale of 1-5 was a 4.14 for all participants. The top benefits reported were:

- Ability to attend medical and other appointments more often – 71.14%.
- Ability to go grocery shopping more regularly – 67.11%.
- Ability to visit family and friends more often – 57.72%.
- Ability to access community services and supports more easily – 51.68%.

Recommendations from survey respondents on ways to improve the Income Related Transit Program include:

- Lower the price of the pass.
- Allow participants to renew and purchase the pass online.
- Consider a 3-month purchase option.
- Eliminate the annual renewal process for eligibility.
- Expand the bus pass purchase locations and hours of operation.
- Reduce / simplify the documentation requirements associated with applying for / renewing the bus pass.
- Improve the quality of customer service and the service experience of applicants and participants at key service touchpoints, including application / renewal, purchase and riding the bus.
- Expand access to the program i.e., increase the income cut-off criteria to qualify for the program.

The 52 non-participants were asked why they did not participate in the program, and the reasons were as follows:

- Did not know the program existed – 27.12%.
- Do not use the bus enough to justify the price. Cheaper to pay per trip – 20.34%.
- Not easy to go in person to purchase the monthly pass – 18.64%.

Based on these results a number of options to improve accessibility and affordability of the Income Related Transit Program have been considered; however, would have budget and participant implications. These include:

- 1. Increasing the subsidy percentage to lower the cost of the pass for users.
- 2. Expanding the available purchase locations and methods to purchase a pass.
- 3. Amending the eligibility criteria to expand access to the program.
- 4. Modifying the five existing subsidized transit programs to create one streamlined, universal income related program that would reduce administrative burden and simplify access.

3.3. Next Steps:

Based on the results of the Income Related Transit Program evaluation, the following program improvements can be made within the current capacity and resources:

- 1. Simplifying the application and renewal process, particularly for current Ontario Works and Ontario Disability Support Program participants.
- 2. Increasing awareness of the Income Related Transit Program through strategic promotion and community engagement.
- 3. Improving the customer service experience of program users through staff education and training.
- 4. Identifying and decreasing barriers to accessing the program, especially for Indigenous and racialized individuals.

Subsidized Transit usage across all five programs will continue to be closely monitored for the remainder of 2024.

Financial Impact and Considerations

Recent increases in the usage of subsidized transit programs have resulted in the possibility of a budget shortfall in 2024. The City is financially responsible for the full actual costs of the subsidized transit programs and completes an annual reconciliation process with London Transit Commission at the end of the calendar year. Ongoing monitoring is necessary in 2024 to determine the actual financial impacts of current trends. Should participation trends continue to increase, a budget amendment may be required to maintain current Subsidized Transit Program subsidy levels.

In addition, a recent review of the Income Related Transit Program revealed potential program improvements for consideration. The financial impact of these improvement varies, some could be realized within the existing budget and others would require additional financial investment and further analysis.

Conclusion

This report outlines trends and patterns in the usage of subsidized transit programs. It also includes the results from an evaluation of the accessibility and affordability of the Income Related Transit Program providing options and next steps for program improvements.

Prepared by: Mark Pompili
Community Engagement and Policy Specialist

Michelle Dellamora
Manager, Community Initiatives and Plans

Submitted by: Kristen Pawelec
Director, Community Development and Grants

Recommended by: Cheryl Smith,
Deputy City Manager, Neighbourhood and Community-Wide Services

From: Jeffrey Salisbury
Sent: Wednesday, July 10, 2024 3:42 PM
To: CPSC <cpsc@london.ca>
Subject: [EXTERNAL] Re: July 15, 2024

OK I want to request delegation status this review was conducted as a result of me speaking at a meeting in march of 2023 and i wish to speak again at the review.

yes u can put my email

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic Development

Subject: Administrative Monetary Penalty (AMPS) By-law:
Housekeeping Amendments

Date: July 15, 2024

Recommendation

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

- (a) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on July 23, 2024, to amend By-law No. A-54, being “A by-law to implement an Administrative Monetary Penalty System in London”.

Executive Summary

This report is intended to be an update to the Administrative Monetary Penalties (AMPS) By-law (A-54) and to ensure updates are made to the penalty schedules of the Fireworks By-law (PW-11), Sound By-law (PW-12), the Parks & Recreation By-law (PR-2), Traffic and Parking By-law (PS-114). The proposed amendments to these Penalty Schedules are administrative in nature and are recommended to continue to employ AMPS penalty system efficiently as a tool to ensure by-law compliance.

Linkage to the Corporate Strategic Plan

Section 1.3 (in Outcome 1: *Wellbeing and Safety*) of the 2023-2027 Strategic Plan, focuses on addressing safety concerns and supporting Londoners’ overall quality of life: improving public spaces such as parks and recreation centres, delivering services that enhance the quality of life for residents, providing better emergency services, promoting health equity, and supporting better affordability with our city. The recommendations contained within this report are directly in line with the 2023-2027 Strategic Plan.

Analysis

1.0 Background Information

1.1 The Administrative Monetary Penalties System (AMPS) By-law (A-54)

On June 29, 2019, Municipal Council passed the Administrative Monetary Penalties System Bylaw (AMPS) with an effective date of November 1, 2019. The AMPs process has since proven to be an effective method of issuing Provincial Offences Act (POA) tickets for parking violations and other by-law matters. The AMPS process transfers by-law disputes from the courtroom to the municipality using screening officers and independent hearing officers who can reduce, cancel, or affirm penalties. The intent of the attached amendments is to further support the use of AMPs to address additional municipal by-law violations.

1.2 Previous Reports Related to this Matter

Community and Protective Services Committee - Administrative Monetary Penalties – January 23, 2018, December 11, 2018, June 17, 2019, October 6, 2020, April 20, 2021, and March 21, 2023.

1.3 Municipal Purpose

The Municipal Act, 2001 is the main statute governing the creation, administration, and government of municipalities in the Canadian province of Ontario.

Subsection 10(2) 6) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: health, safety, and wellbeing of persons.

Subsection 10(2) 8) protection of persons and property, including consumer protection.

2.0 Discussion and Considerations

2.1 Amendments to Penalty Schedules

Staff are proposing the following amendments:

- Fireworks By-law – (PW-11) – Addition of Administrative Monetary Penalties addressing the discharging of fireworks.
- Sound By-law (PW-12) – Addition of shortform wording for an “Obstruct” provision to the Sound By-Law (Schedule A-16)
- Parks and Recreation Area By-law (PR-2) - Addition of shortform wording for an “Allow, cause, or permit” provision regarding the operation of vehicles/motor vehicle / e-scooter / horse-drawn conveyance in public parks and on multi-use pathways (Schedule A-17).

- Traffic & Parking By-law - PS-114 – Amendments to Schedule B include MTO Fee Plate Denial Request Fee, Schedule C to outline who is eligible to be assigned as a 'Designated Screening Officer' and to outline Administrative Fees for infractions pertaining to Screening reviews and Hearing reviews.

3.0 Financial Impact/Considerations

None currently.

4.0 Key Issues and Considerations

This report seeks Council's approval to amend the Administrative Monetary Penalties System (AMPS) By-law (A-54). This amended by-law and its schedules are attached as Appendix "A", Schedule "A-16", Schedule "A-17", Schedule "A-28" (new), Schedule "B", and Schedule "C".

Conclusion

The use of Administrative Monetary Penalty System (AMPS) has been become recognized as a fair, effective, and more flexible way to address nuisance behaviours across the city. Staff are proposing minor, housekeeping amendments to help ensure proper by-law implementation though Municipal By-law enforcement.

Prepared by:	Mark Hefferton, MURP, RPP, MCIP Policy & Program Analyst, Municipal Compliance
Submitted by:	Nicole Musicco Manager, Licensing, Policy, and Special Operations
Reviewed & Concurred by:	Wade Jeffery Manager, Community Compliance and Animal Services, Municipal Compliance, (Acting) Director, Municipal Compliance
Recommended by:	Scott Mathers, MPA, P.Eng Deputy City Manager, Planning and Economic Development

Appendix “A”

Bill No. _____
2024

By-law No. A-54 (___)-___

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 amend Schedules, “A-16” and “A-17”, add “A-28” and to repeal and replace Schedules “B” and “C”.

WHEREAS section 434.1 of the Municipal Act and Section 15.4.1 of the Building Code 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 By-law No. A-54 with respect to contraventions of designated by-laws under the Administrative Monetary Penalty System By-Law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

- 1.) That Schedules “A-16” and “A-17” of the Administrative Monetary Penalty (AMPS) By-law (A-54) are hereby amended to include new Administrative Penalties, including short form wordings and penalty amounts; and
- 2.) That Schedules “B” and “C” of the Administrative Monetary Penalty (AMPS) By-law (A-54) be repealed and replaced with the attached Schedules “B” and “C”.

This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on July 23, 2024,

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – July 23, 2024
Second Reading – July 23, 2024
Third Reading – July 23, 2024

Schedule "A-16"

Penalty Schedule for the Sound By-law (PW-12)

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. In the following table sets 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 sets 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	Obstruct any person exercising power or duty under by-law	7.5	\$250.00
2	Attempt to obstruct any person exercising power or duty under by-law	7.5	\$250.00

**Note: At the discretion of the Officer, fines may be doubled for any and all subsequent repeat offences.*

Schedule "A-17"

Penalty Schedule for Parks and Recreation Area By-law (PR-2)

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 in the following table sets 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 sets 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	Allow, cause, or permit the operation of a vehicle upon roadway in direction other than indicated on signs	3	\$200.00
2	Allow, cause, or permit the operation of a vehicle in violation of posted signs	7	\$200.00
3	Allow, cause, or permit the operation of a vehicle (in excess of posted speed limit / in excess of 20km/hr.)	10	\$200.00
4	Allow, cause, or permit the operation of a motor vehicle / e-scooter / horse-drawn conveyance on multi-use pathway	15	\$200.00

**Note: At the discretion of the Officer, fines may be doubled for any and all subsequent repeat offences.*

Schedule “A-28”

Penalty Schedule for Fireworks By-law – PW-11

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 in the following table sets 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 sets 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	Causing or allowing the discharge of Fireworks (display or consumer Firecrackers when prohibited)	4.(1), 5.(4)	\$500.00
2	Discharging any prohibited firecrackers or fireworks	4.(2)	\$500.00
3	Discharging display Fireworks or consumer Fireworks in a dangerous manner	5.(5), 5.(6), and 5.(7)	\$500.00
4	Discharging display Fireworks or consumer Fireworks on days not permitted in the by the by-law or without a permit	4.(1), 5.(1), 6.(2), 8 (a)-(i), 9 (a)-(c), 10, 11, and 12	\$500.00
5	Failure to provide direct supervision of and control of a person eighteen (18) years of age or over	5.(3)	\$500.00
6	Discharging special effect pyrotechnics without a permit	22	\$250.00
7	Hold display of display Fireworks or consumer Fireworks in a public	6.(1), 6.(2)	\$500.00

	place or on private property when prohibited or without a permit.		
8	Failure of the permit holder holding the display of special effect pyrotechnics to ensure that all unused fireworks and all debris are removed.	23	\$250.00
9	Failure of the holder of a display firework or display of special effect pyrotechnics to produce his or her permit upon being so directed by the Fire Chief.	24.1	\$250.00

**Note: At the discretion of the Officer, fines may be doubled for any and all subsequent repeat offences.*

Schedule “B”

Designated Provisions for laying out the Administrative Fee structure for infractions pertaining to MTO fee, Plate Denial, Hearing and Screening reviews.

Administrative Fee Description	Fee Amount*
MTO Fee (Parking penalties only)	\$10
Plate Denial Request Fee (Parking penalties only)	\$20
Late Payment Fee	\$25
Screening Non-Appearance Fee	\$50
Hearing Non-Appearance	\$100

Note: Fee listed in Schedule “B” to this By-law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.

Schedule “C”

Designated Screening Officers

1. The Director, Municipal Compliance, or delegate(s) as assigned.
2. Manager of Municipal Law Enforcement Services or delegate(s) as assigned.
3. Parking Coordinator or delegate(s) as assigned.
4. Screening Officers or delegate(s) as assigned.

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic Development

Subject: Administrative Monetary Penalty (AMPS) By-law:
Housekeeping Amendments

Date: July 15, 2024

Recommendation

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

- (a) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on July 23, 2024, to amend By-law No. A-54, being “A by-law to implement an Administrative Monetary Penalty System in London”; and
- (b) the attached proposed by-law (Appendix “B”) **BE INTRODUCED** at the Municipal Council meeting to be held on July 23, 2024, to amend By-law No. PW-11, being “A by-law to provide for the sale of fireworks and the setting off of fireworks and pyrotechnics within the City of London, and for requiring a permit and imposing conditions”.

Executive Summary

This report is intended to be an update to the Administrative Monetary Penalties (AMPS) By-law (A-54) and to ensure updates are made to the penalty schedules of the Fireworks By-law (PW-11), Sound By-law (PW-12), the Parks & Recreation By-law (PR-2), Traffic and Parking By-law (PS-114). The proposed amendments to these Penalty Schedules are administrative in nature and are recommended to continue to employ AMPS penalty system efficiently as a tool to ensure by-law compliance. This report will also amend the Fireworks By-law (PW-11) to allow for the implementation of the Administrative Monetary Penalty System.

Linkage to the Corporate Strategic Plan

Section 1.3 (in Outcome 1: *Wellbeing and Safety*) of the 2023-2027 Strategic Plan, focuses on addressing safety concerns and supporting Londoners’ overall quality of life: improving public spaces such as parks and recreation centres, delivering services that enhance the quality of life for residents, providing better emergency services, promoting health equity, and supporting better affordability with our city. The recommendations contained within this report are directly in line with the 2023-2027 Strategic Plan.

Analysis

1.0 Background Information

1.1 The Administrative Monetary Penalties System (AMPS) By-law (A-54)

On June 29, 2019, Municipal Council passed the Administrative Monetary Penalties System Bylaw (AMPS) with an effective date of November 1, 2019. The AMPs process has since proven to be an effective method of issuing Provincial Offences Act (POA) tickets for parking violations and other by-law matters. The AMPS process transfers by-

law disputes from the courtroom to the municipality using screening officers and independent hearing officers who can reduce, cancel, or affirm penalties. The intent of the attached amendments is to further support the use of AMPs to address additional municipal by-law violations.

1.2 The Fireworks By-law (PW-11)

The purpose of this By-law is to regulate and restrict the sale and discharge of fireworks and pyrotechnics within the City of London. The By-law defines Consumer Fireworks, Display Fireworks, and Special Effect Pyrotechnics. The By-law includes several restrictions, including but not limited to:

- 1) Date(s) on which Consumer Fireworks can be discharged;
- 2) Prohibiting the discharging of any Consumer Fireworks in a manner that may create a danger, unsafe act, or a nuisance to any person or property;
- 3) The Fireworks By-law also requires persons discharging Consumer Fireworks to be over the age of 18 or under the direct supervision of and control of a person who is 18 years of age or older;
- 4) A person discharging Consumer Fireworks can only do so on their own property or on another person's land provided they have the owner's permission.

1.2 Previous Reports Related to this Matter

Community and Protective Services Committee - Amendment to Fireworks Bylaw - June 21, 2016 and CPSC - Administrative Monetary Penalties – January 23, 2018, December 11, 2018, June 17, 2019, October 6, 2020, April 20, 2021, and March 21, 2023.

1.3 Municipal Purpose

The Municipal Act, 2001 is the main statute governing the creation, administration, and government of municipalities in the Canadian province of Ontario.

Subsection 10(2) 6) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: health, safety, and wellbeing of persons.

Subsection 10(2) 8) protection of persons and property, including consumer protection.

2.0 Discussion and Considerations

2.1 Amendments to Penalty Schedules of the AMPS By-law (A-54)

Staff are proposing the following amendments:

- Fireworks By-law – (PW-11) – Addition of Administrative Monetary Penalties addressing the discharging of fireworks.
- Sound By-law (PW-12) – Addition of shortform wording for an “Obstruct” provision to the Sound By-Law (Schedule A-16)
- Parks and Recreation Area By-law (PR-2) - Addition of shortform wording for an “Allow, cause, or permit” provision regarding the operation of vehicles/motor vehicle / e-scooter / horse-drawn conveyance in public parks and on multi-use pathways (Schedule A-17)
- Traffic & Parking By-law - PS-114 – Amendments to Schedule B include MTO Fee Plate Denial Request Fee, Schedule C to outline who is eligible to be assigned as a ‘Designated Screening Officer’ and to outline Administrative Fees for infractions pertaining to Screening reviews and Hearing reviews.

2.2 Amendments to the Fireworks By-law (PW-11)

Staff are also proposing the following amendments:

- Fireworks By-law – (PW-11) – An amendment to Section 25 of By-law No. PW-11 to add new section to allow for the implementation of Administrative Monetary Penalties addressing the discharging of fireworks.

3.0 Financial Impact/Considerations

None currently.

4.0 Key Issues and Considerations

This report seeks Council’s approval to amend the Administrative Monetary Penalties System (AMPS) By-law (A-54). This amended by-law and its schedules are attached as Appendix “A”, Schedule “A-16”, Schedule “A-17”, Schedule “A-28” (new), Schedule “B”, and Schedule “C”. This report also seeks Council’s approval to amend the Fireworks By-law (PW-11) to allow for the implementation of Administrative Monetary Penalties.

Conclusion

The use of Administrative Monetary Penalty System (AMPS) has been become recognized as a fair, effective, and more flexible way to address nuisance behaviours across the city. Staff are proposing minor, housekeeping amendments to help ensure proper by-law implementation though Municipal By-law enforcement.

Prepared by:	Mark Hefferton, MURP, RPP, MCIP Policy & Program Analyst, Municipal Compliance
Submitted by:	Nicole Musicco Manager, Licensing, Policy, and Special Operations
Reviewed & Concurred by:	Wade Jeffery Manager, Community Compliance and Animal Services, Municipal Compliance, (Acting) Director, Municipal Compliance
Recommended by:	Scott Mathers, MPA, P.Eng Deputy City Manager, Planning and Economic Development

Appendix “A”

Bill No. _____
2024

By-law No. A-54 ()-__

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

WHEREAS section 434.1 of the Municipal Act and Section 15.4.1 of the Building Code 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,” as amended;

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. A-54, as amended, with respect to contraventions of designated by-laws under the Administrative Monetary Penalty System 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 following by-laws;
- Fireworks By-law – PW-11**
2. That the definition of “Administrative Penalty” be amended to add “A-28” after “A-27”;
3. That section 2.1 be amended to add “A-28” after “A-27”;
4. That section 3.1 be amended to add “A-28” after “A-27”;
5. That section 3.1a) be amended to add “A-28” after “A-27”;
6. That Schedule “A-16” of By-law No. A-54, be amended to include the following rows:

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount*
	Obstruct any person exercising power or duty under by-law	5.6	\$250.00
	Attempt to obstruct any person exercising power or duty under by-law	5.6	\$250.00

7. That Schedule “A-17” of By-law No. A-54, be amended to include the following rows:

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount*
	Allow, cause, or permit the operation of a vehicle upon roadway in direction other than indicated on signs	3.1(1)	\$200.00
	Allow, cause, or permit the operation of a vehicle in violation of posted signs	3.1(2)	\$200.00
	Allow, cause, or permit the operation of a vehicle (in excess of posted speed limit / in excess of 20km/hr.)	3.1(3)	\$200.00
	Allow, cause, or permit the operation of a motor vehicle / e-scooter / horse-drawn conveyance on multi-use pathway	3.1(4)	\$200.00

8. That the attached Schedule “A-28” be added to By-law No. A-54 to provide for a penalty schedules;
9. That Schedules “B” and “C” of No. A-54 be replaced with the attached revised Schedules “B” and “C” to provide for a penalty schedules; and
10. This by-law comes into effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Passed in Open Council on July 23, 2024, subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

Schedule “A-28”

Penalty Schedule for Fireworks By-law – PW-11

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 sets 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 sets 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	Causing or allowing the discharge of Fireworks (display or consumer Firecrackers when prohibited)	4.(1), 5.(4)	\$500.00
2	Discharging any prohibited firecrackers or fireworks	4.(2)	\$500.00
3	Discharging display Fireworks or consumer Fireworks in a dangerous manner	5.(5), 5.(6), and 5.(7)	\$500.00
4	Discharging display Fireworks or consumer Fireworks on days not permitted in the by the by-law or without a permit	4.(1), 5.(1), 6.(2), 8 (a)-(i), 9 (a)-(c), 10, 11, and 12	\$500.00
5	Failure to provide direct supervision of and control of a person eighteen (18) years of age or over	5.(3)	\$500.00
6	Discharging special effect pyrotechnics without a permit	22	\$250.00
7	Hold display of display Fireworks or consumer Fireworks in a public place or on private property when prohibited or without a permit.	6.(1), 6.(2)	\$500.00
8	Failure of the permit holder holding the display of special effect pyrotechnics to ensure that all	23	\$250.00

	unused fireworks and all debris are removed.		
9	Failure of the holder of a display firework or display of special effect pyrotechnics to produce his or her permit upon being so directed by the Fire Chief.	24.1	\$250.00

**Note: At the discretion of the Officer, fines may be doubled for any and all subsequent repeat offences.*

Schedule “B”

Designated Provisions for laying out the Administrative Fee structure for infractions pertaining to MTO fee, Plate Denial, Hearing and Screening reviews.

Administrative Fee Description	Fee Amount*
MTO Fee (Parking penalties only)	\$10
Plate Denial Request Fee (Parking penalties only)	\$20
Late Payment Fee	\$25
Screening Non-Appearance Fee	\$50
Hearing Non-Appearance	\$100

**Note: Fees listed in Schedule “B” to this By-law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.*

Schedule “C”

Designated Screening Officers

1. The Director, Municipal Compliance, or delegate(s) as assigned.
2. Manager of Municipal Law Enforcement Services or delegate(s) as assigned.
3. Parking Coordinator or delegate(s) as assigned.
4. Screening Officers or delegate(s) as assigned.

Appendix “B”

Bill No. _____
2024

By-law No. PW-11-

A by-law to amend By-law No. PW-11, being “A by-law to provide for the sale of fireworks and the setting off of fireworks and pyrotechnics within the City of London, and for requiring a permit and imposing conditions”.

WHEREAS section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this or any other 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 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 section 10 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 may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality, 6. Health, safety and well-being of persons, 8. Protection of persons and property, including consumer protection, 9. Animals, 10. Structures, including fences and signs, and 11. Business licensing;

AND WHEREAS subsections 8(3) and (4) of the Municipal Act, 2001 provide that a by-law under section 10 may: regulate or prohibit respecting the matter; require persons to do things respecting the matter; provide for a system of licences (permits) respecting the matter; and such by-law may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate;

AND WHEREAS s.120 of the Municipal Act, 2001 provides that a local municipality may:

- (a) prohibit and regulate the manufacture of explosives in the municipality;
- (b) prohibit and regulate the storage of explosives and dangerous substances in the municipality;
- (c) regulate the keeping and transportation of explosives and dangerous substances in the municipality; and further that a municipality may prohibit the manufacture or storage of explosives unless a permit is obtained, and may impose conditions of obtaining or continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS s.121 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks, and further that a municipality may prohibit those activities unless a permit is obtained for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS section 7.1(1) of the Fire Protection and Prevention Act, S.O. 1997, C. 4, as amended provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS s.7.1(4) of the Fire Protection and Prevention Act provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with;

AND WHEREAS O. Reg. 213/07 (the Fire Code) made under the Fire Protection and Prevention Act sets out requirements with respect to “Explosives, Fireworks and Pyrotechnics” in Section 5.2;

AND WHEREAS s.29 of the Explosives Act, R.S.C., 1985, c. E-17 provides that the Act does not relieve any person from the obligation to comply with the requirements of any by-law in relation to explosives;

AND WHEREAS subsection 5(3) of the Municipal Act, 2001 S.O. 2001, c.25, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. That Section 25.(3) of By-law No. PW-11 be amended by adding the following new section:

(c) “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.”

2. This by-law comes into effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Passed in Open Council on July 23, 2024, subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – July 23, 2024
Second Reading – July 23, 2024
Third Reading – July 23, 2024

Report to Community and Protective Services Committee

To: Chair and Members Community and Protective Services Committee

From: Scott Mathers, MPA P.Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Vision SoHo: Amendment to Contribution Agreement with Chelsea Green Community Homes Society

Date: July 15, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development the following actions **BE TAKEN**:

- a) that Civic Administration **BE AUTHORIZED** to release funds attributed to the Roadmap grant and soil remediation forgivable loan to an upset limit of \$1,071,675 and amend the Municipal Contribution Agreement to reflect the change under the existing delegation;
- b) that Civic Administration **BE AUTHORIZED** to release the remaining funds for soils and grants as outlined in the contribution agreement on confirmation of property tax exemption.

Executive Summary

Chelsea Green Home Society (Chelsea Green) executed a Municipal Contribution Agreement (MCA) with the City to provide 41 affordable units in exchange for the municipal funds to support the development of an 81-unit apartment building.

Recently the Chelsea Green discovered they were not eligible for property tax exempt status and due to the increased operating costs and the requirements of the CMHC funding program they would only be able to provide 25 affordable units, 16 less than those committed to in their MCA.

Civic Administration recommends that funding be advanced equal to the per unit value previously agreed to for the currently feasible 25 units. The full funding would be released when Chelsea Green acquires property tax exempt status and commits to the original 41 affordable units.

Linkage to the Corporate Strategic Plan

Housing and Homelessness

Outcome 1 - The City of London demonstrates leadership and builds partnerships to increase quality, affordable, and supportive housing options.

Expected Result – 1.1 Increased access to a range of quality, affordable and supportive housing options that meet the unique needs of Londoners.

Strategies:

- a. Increase the supply, range, and depth of affordability of quality housing options where people feel safe.
- b. Align policies and programs recognizing the broad range of factors that contribute to accessing and maintaining transitional, supportive, community, affordable and market housing.
- c. Address the specific needs of populations, including equity-denied groups, and prioritize housing initiatives that are affordable.

Analysis

1.0 Background Information

On November 23, 2021, the Vision SOHO Alliance, a coalition of non-profit corporations, sought municipal funding for the affordable housing they intend to build on the north portion of the Old Victoria Hospital Lands. On December 7, 2021, Council approved a conditional grant of \$11.2 million for the development of up to 400 affordable housing units. On August 2, 2023, Council approved an increased conditional grant of \$13.9 million to provide up to 400 affordable housing units in the proposed development, subject to a full review of acceptable proforma financial statements, confirmation of other sources of financing, and the development of a municipal contribution agreement.

On September 26, 2023 Municipal council resolved to provide up to \$3.9 million additional funding to account for impacted soils on the site provided the Vision SoHo Alliance provide all necessary engineering and other supporting documentation and commit to filling up to 50 additional units from the City's waitlists.

Civic Administration and the Vision SOHO team have come to terms on the framework of the contribution agreement. SOHO will provide 381 units at a minimum of 80% of MMR for a period of 20-years. As of the submission of this report, the Vision SOHO group has agreed to provide a total of 182 units from the City's waitlist with additional units to be included subject to the completion of impacted soils work.

Individual municipal contribution agreements (MCA) have been prepared to support the development of each of the Vision SoHo partners. The MCA for Chelsea Green supports a development of 41 affordable units, five of which are committed to the City's waitlist, in an 81-unit building. The soil remediation costs for Chelsea Green have been confirmed at \$566,721 which would bring the commitment to the City's waitlists to 12 (7 additional units).

1.1 Previous Reports Related to this Matter

[Letter to Community and Protective Services – Greg Playford](#) - Request for Funding for Soil Remediation - Vision SoHo (West Block) (CPSC, September 12, 2023)

[Municipal Contribution Agreement for Vision SOHO Alliance](#) (CPSC, July 18, 2023)

[Request for Additional Funding from Vision SoHo Alliance for the Housing Development Project at the Old Victoria Hospital Lands](#) (CPSC, July 26, 2022)

[Request for Funding from Vision SOHO Alliance for the Housing Development Project at the Old Victoria Hospital](#) (CPSC, November 23, 2021)

[Taxation of Properties owned by London Middlesex Community Housing Inc.](#) (CSC, November 30, 2020)

2.0 Discussion and Considerations

2.1 Chelsea Green Request to Reduce Affordable Units

In June 2023, via email, Chelsea Green informed staff that due to legal complications in achieving a property tax exempt status they would be unable to provide the 41 affordable units required under their executed MCA and would only be able to provide 25 affordable units.

2.2 Property Tax Exemptions

Property Tax Exemption may be obtained by non-profits through a request to the Municipal Property Assessment Corporation. An organization which receives the exemption would not be billed for property taxes.

Section 3 of the *Assessment Act, 1990* illustrates the available exemptions from taxation of real property. The section most relevant for seeking exemption status for affordable housing is Section 3(1)12(iii) which applies to “any charitable, non-profit philanthropic corporation organized for the relief of the poor if the corporation is supported in part by public funds.”

Housing providers that believe they meet eligibility criteria can provide the necessary information to the Municipal Property Assessment Corporation (MPAC) and MPAC will determine if the property qualifies for an exemption. Eligibility criteria consideration include items such as proof of charitable status, details as to how the corporation is organized for relief of the poor, and proof of public funding.

Currently there are a number of affordable housing property owners within the Vision SOHO partnership that have also applied for this exemption. These properties include properties owned by Homes Unlimited, Indwell Community Homes, London Affordable Housing, Residenza Affordable Housing, and Zerin Development.

2.3 Chelsea Green’s Funding Model

Chelsea Green indicated that they are funding development through CMHC’s co-investment program which requires a minimum of 30% of units to be affordable, less than the 50% agreed to within the executed MCA. In order to make their operating proforma viable within the confines of the program and without the anticipated tax-exempt status 16 of the 41 proposed affordable units would need to be offered at market rather than affordable rents.

They have indicated in correspondence from their consultant team that they will continue to seek tax-exempt status and if achieved, that they would provide 41 affordable units in accordance with the executed MCA.

The current situation with regard to City funds is outlined in the table below. The first row shows the currently executed MCA. Chelsea Green took their first draw (60% of total funds) at the start of construction and any future scenario would need to account for this. The second row shows the currently prepared amending MCA which accounts for a confirmed soil removal cost of \$566,721.

This amending MCA has not been executed given the information provided by Chelsea Green about their inability to provide the 41 units agreed to under the MCA. The third row outlines a potential scenario where a new amended MCA is developed to include both the increased funds to cover soil costs and a reduction in the contribution reflective of the total unit reduction from 41 units to 25 units. For this scenario the total funds entitled is 60.9% of the initial MCA funds (25/41 x \$ 1,190,830) and the full soil removal costs (\$566,721).

Table 1 – Council Approved Per Unit Roadmap Contribution

	Affordable Units	Units from waitlists	Payments to Date	Total Funds	\$ Per Unit
Approved Funding (July 2023)	41	5	\$714,498	\$1,190,830	\$29,044
Soil Funding (Sept. 2023)	41	12	\$0	\$566,721	\$13,822
Total Roadmap Contribution	41	12	\$714,498	\$1,757,551	\$42,867

Table 2 - Per Unit Roadmap Contribution based Chelsea Green Request to Reduce the Number Affordable Units

	Affordable Units	Units from waitlists	Payments to Date	Total Funds	\$ Per Unit
Chelsea Green Proposed Amendment	25	12	\$714,498	\$1,757,551	\$70,302

Given that the Chelsea Green request increases the City’s contribution per unit from \$42,867 to \$70,302, Civic Administration recommends further amendments to contribution agreement to maintain the previously agreed upon per unit contribution value (\$42,867).

3.0 Financial Impact/Considerations

3.1 Proposed Amendment to Agreement

In an effort to support the continued development of the SOHO property, Civic Administration are proposing the following approach:

- Retain and continue to commit the existing total contribution value of \$1.7 Million and allow the reduction of units to 25 affordable units to support the new operating proforma.
 - Provide payment to the upset limit at an equivalent of \$42,867 per unit.
- On confirmation of the property tax exemption, release the balance of the soil funding and any additional funds based on the existing milestones in the contribution agreement.

The total upset limit amount of interim Roadmap funding that can be released at this time is: \$42,867 (total per unit Roadmap grant) x 25 (affordable units) = **\$1,071,675**

Table 3 – Summary of Roadmap Payments to Chelsea Green

Funding Details		Capital Grant	Soils	Total Roadmap
Funding for 25 Affordable Units	Payments to Date	\$714,498	\$0	\$714,498
	Amendment for Interim Payment	\$0	\$357,177	\$357,177
	Total Interim Funding	\$714,498	\$357,177	\$1,071,675
Funding for 16 Affordable Units	Remaining Payment	\$476,032	\$209,544	\$685,576
Funding for 41 (25+16) Affordable Units	Total Funding	\$1,190,830	\$566,721	\$1,757,551

Conclusion

As a member of the Vision SoHo Alliance, Chelsea Green committed to providing 41 affordable units in exchange for the municipal funds to support the development of an 81-unit apartment building. This commitment was confirmed through an executed MCA which allowed for the advancement of funding to support construction.

Chelsea Green informed the City that they were unable to acquire property tax exempt status which was a requirement for their proforma to operate as intended in the executed MCA. This has made the provision of 41 affordable units unfeasible given their current status. With the CMHC and City funding available Chelsea Green are only able to provide 25 affordable units, 16 less than those previously committed to in their MCA.

Civic Administration recommends that funding be advanced in keeping with the per unit value previously agreed to for the currently feasible 25 units. The full funding would be released when Chelsea Green acquires property tax exempt status and is once again able to commit to 41 affordable units.

Prepared by:	Leif Maitland Senior Housing Development Coordinator, Municipal Housing Development
Submitted by:	Matt Feldberg MPA, CET Director, Municipal Housing Development
Recommended by:	Scott Mathers MPA, P. Eng. Deputy City Manager, Planning and Economic Development

Report to Community and Protective Services Committee

To: Chair and Members, Community and Protective Services Committee

From: Scott Mathers, Deputy City Manager, Planning and Economic Development

Subject: Update to the Roadmap to 3,000 Affordable Units: “Roadmap 2.0”

Date: July 15, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development,

- (a) Civic Administration **BE AUTHORIZED** to allocate up to \$45,000 per affordable housing unit under the Roadmap to 3,000 for new projects that have not received approval from Council to enter into a contribution agreement;
- (b) Civic Administration **BE AUTHORIZED** to direct \$10,000,000 of the Housing Accelerator Fund affordable housing grant to expand the programs and activities under the Roadmap to 3,000;
- (c) Administration **BE AUTHORIZED** to direct \$10,000,000 of Housing Accelerator Fund investment to the Highly Supportive Housing plan and programs under the Whole of Community System Response;
- (d) Civic Administration **BE DIRECTED** to prioritize pre-development and development support to London & Middlesex Community Housing Inc. and all Social and Community Housing Boards for redevelopment projects at publicly funded housing properties;

Executive Summary

Since the inception of the Roadmap program in December 2021, around 60% of the total units have been approved, are under construction or have been occupied by tenants seeking lower cost rental housing.

In the same 2.5 years there have also been a steady stream of changes to the underlying assumptions that were used to develop the plan. The most impactful change has been the increase of the Bank of Canada interest rate from 2.45% to 6.95% as of June 2024. This has a major impact on the project viability for any form of development and the ability to cover expenses once occupancy has been granted. In the development of affordable housing, rents are capped at certain values to ensure that tenants can accommodate the rents as part of their monthly income stream.

For an affordable housing developer, or any developer wishing to build new affordable units, certainty on the City’s contribution is a key part of the project planning. In an effort to simplify the process and increase the project viability to help bring these units to London’s rental market, Civic Administration is recommending a capital grant of \$45,000 per affordable housing unit. These Roadmap funds, stacked with other investments such as a Development Charge exemption or Community Improvement Plan grants can close the gap in funding and improve the likelihood of an affordable development getting started.

Linkage to the Corporate Strategic Plan

Council and staff continue to recognize the importance of actions to support housing, as reflected in the 2023-2027 - Strategic Plan for the City of London. Specifically, the efforts described in this report address the following Areas of Focus, including:

Housing and Homelessness

Outcome 1 - The City of London demonstrates leadership and builds partnerships to increase quality, affordable, and supportive housing options.

Expected Result 1.1 - Increased access to a range of quality, affordable and supportive housing options that meet the unique needs of Londoners.

Strategy

(a) Increase the supply, range, and depth of affordability of quality housing options where people feel safe.

Well-Run City

Outcome 1 – The City of London is trusted, open, and accountable in service of the community.

Expected Results – Londoners have trust and confidence in their municipal government.

Strategy:

(b) Increase transparency and accountability in decision making, financial expenditures, and the delivery of municipal programs and services.

Background

1.0 Background Information

1.1 Previous Reports Related to this Matter

The following reports provide direct and relevant background related to this report:

- [Community Improvement Plans Review for Increasing Affordable Housing](#) (PEC, June 11, 2024).
- [Approval of Odell-Jalna End of Mortgage Exit Agreement](#) (CPSC, March 18, 2024).
- [Shovel-Ready Projects: Roadmap to 3,000 Affordable Units](#) (CPSC, January 10, 2023)
- [Update on the Roadmap to 3,000 Affordable Units](#) (CPSC, November 1, 2022)
- [Housing Development Corporation, London \(HDC\) – 2021 Annual General Meeting of the Shareholder – Presentation and Update](#) (SPPC, June 22, 2022)
- [Housing Stability for All Plan 2021 Update](#) (CPSC, May 31, 2022)
- [Proposed Implementation of the “Roadmap to 3000 Affordable Units” \(Roadmap\) Action Plan](#) (CPSC, November 23, 2021)

1.2 Background

The City of London's Housing Stability Action Plan 2019 - 2024 identified the need for a minimum of 3,000 new affordable housing units in the next ten years to meet current and future needs. Since that report, and as amplified through the COVID-19 pandemic, the housing needs of Londoners have continued to increase. In response to this urgent need, in December 2021 Council approved the Roadmap to 3,000 Affordable Units which accelerated the delivery of affordable housing units by 5 years.

Through the Multi-Year Budget process earlier this year, Council endorsed business cases to add new resources to Municipal Housing Development along with support for rent-geared-to-income units and strategic land purchases. These actions signal a new approach to housing whereby the City is taking a more proactive and adaptive approach to the challenges in the subsidized housing sector.

The Roadmap's main focus was on partnerships and through this work, the City can leverage the expertise in the local community to retain and bring new units to market. To further support the sector's success, in January of 2023, Civic Administration received endorsement from Council for a re-alignment to the Roadmap funding programs to allow for City-led Shovel Ready developments. This direction has put the City in a unique position to leverage its ability to obtain land through tax-sale or under the Federal or Provincial government's surplus land disposition processes. City staff are now in active development of procurements to formalize the partnerships with future housing operators and support the construction of new housing.

Further, when it comes to construction of housing, London's track record with the Canada Mortgage and Housing Corporation is positive in our success under the Rapid Housing Initiative. The three projects approved (Baseline, Thompson, and Sylvan) are examples of how a municipality can lead this stage of the development process for affordable housing. Future opportunities under Federal or Provincial funding programs will be sought as they are announced, but Civic Administration will seek opportunities to build mixed-use community facilities that incorporate a public service along with housing. Examples could include recreational, community centers, or other services offered by Boards or Commissions.

1.3 Approval of Roadmap in 2021 – Context has Changed

Since the current Provincial government took office, there has been a steady number of changes to Acts and regulations across the housing space. With a significant focus on the Planning Act and the Development Charges Act, some of the base assumptions in the Roadmap have changed.

One of the key changes was the exemption of development charges for non-profits. In recent months, there has been direction from the Province on how to address organizations that are not registered non-profits and how to align exemptions for those developments. Some of the direction includes discounts for rental housing and exemptions for units that provide a greater depth of affordability, based on income. Civic Administration are working on the system changes to support the new regulations, along with necessary agreements to ensure the City's interests are protected into the future.

Additionally, with the completion of the Multi-Year Budget work earlier in 2024, Council endorsed a business case to add new resources to Municipal Housing Development. The work to hire staff and re-organize the work within the area is well underway and includes a relocation of the team to work in one physical location. As the team continues to build out and resources are allocated there will be a deliberate focus on continuous improvement that seeks out the voice of the customer to help drive innovation and efficiency in the workflow.

The impactful contextual changes since December 2021 when the Roadmap was approved include the changes to the Bank of Canada prime rate and rising inflation. When the capital funding was approved and during the development of the plan, the interest rate was 2.45%. Since that time, and as of the writing of this report in June 2024, the posted rate is 6.95%. Also, a combination of increasing demand for construction and supply challenges due to labour shortages resulted in limited availability and higher prices for materials and labour in the construction industry. Although the Federal Government is making changes to affordable housing funding programs, these changes can have a major impact on project viability in the short-term. In some cases, with very tight proformas, it could prevent a project from starting construction.

1.4 Progress Update (From February Annual Development Report)

At the February Planning and Environment Committee meeting, Civic Administration brought forward a report that outlined the development activity in London over 2023. Table 1 was included as part of that report and highlights the City’s progress towards its goal of 3,000 units by 2026 as of the end of 2023.

Table 1 - 2023 Annual Development Report - Roadmap to 3,000 Summary

Roadmap Programs	Target Units	Units Complete	Units in Progress	Units in Planning	Total Units
Secondary Suites	300	2		4	6
Affordable Rental	700	342	420	42	804
Affordable Ownership	150		14	36	50
City-led Shovel-Ready Projects	900		42	357	399
Other – Transitional	50				
LMCH Intensifications	50		93		93
Donations of Land/Property/Capital	50				
Bonus Zone Approvals	300	19	29	290	338
Rent Supplements	500	135			135
Units Total	3,000	498	598	729	1825

A new format to report on progress under the Roadmap to 3,000 is outlined in Section 2.1, with a sample shown in Appendix ‘A’.

1.5 Housing Accelerator Fund Investments

Under the Housing Accelerator Fund, an investment of \$20 Million was allocated to support investments in affordable housing as outlined in the HAF documents for:

- Municipal, developer, and non-profit-led construction of affordable housing.
- Funding of various programs to support affordable housing.
- Provide highly supportive housing as set out in London’s Whole of Community Health and Homelessness System Response.

This investment provides an opportunity to support additional affordable housing units along with a source of funding for the Highly Supportive Housing plan approved in the Spring of 2024.

2.0 Discussion

For the City of London to succeed in delivering on the Roadmap to 3,000 Units, a broad partnership model must be leveraged that includes participation by the local for-profit development industry, non-profit and community housing partners along with support from upper levels of government. Broad engagement of internal and external stakeholders will help guide City-staff towards shovel-ready projects and also build knowledge on the challenges experienced in our local housing sector to align funding for affordable housing projects. Through the Affordable Housing External Reference Group that was established under the 47,000 Unit Pledge, Civic Administration test assumptions and programs by seeking input from our external stakeholder groups.

As Civic Administration continues to make progress on the Roadmap, a set of guiding principles that can be attributed across all housing programs will be applied:

1. Protect existing affordable and rent-geared-to-income units.
2. Maximize impact of municipal investments.
3. Address capital needs to support development and redevelopment.
4. Support a sustainable financial model.
5. Support a mixed community approach.

These five principles will help guide decision making and ensure that Civic Administration are supporting Council's vision to become a more proactive and adaptive housing provider.

2.1 Standardized Reporting on Roadmap Progress

Civic Administration report out on affordable, social, supportive, and transitional units through the Housing Stability Action Plan and the Strategic Plan. Most of this reporting is required under the City's Service Manager role, although the format is slightly different than Council's Strategic Plan. Additionally, the Canada Mortgage and Housing Corporation requires reporting on progress for the initiatives attributed to the Housing Accelerator Fund. These reporting requirements for the Federal and Provincial government are similar to what is needed to track progress on Council's Strategic Plan, but they are slightly different and require hands-on manipulation of data to suit.

The data required to report on these plans and programs, including the 2021 Roadmap comes from many different sources, many of which are ad-hoc Excel based files. Some of the information resides in enterprise systems but requires regular checks to determine status of applications along with coordination of the ad-hoc data sources.

For the Roadmap to 3,000 there are two key types of units that can be created:

1. Units available for rent.
2. Units available for purchase.

Within these ownership models, there are three main stages that are tracked under the Roadmap:

1. Units Complete – Occupancy has been granted.
2. Units in Progress – Building permit has been issued.
3. Units in Planning – Development application has been received, design and development review in process.

In addition to these three stages, Civic Administration maintain high-level conceptual estimates of units that have not advanced through a preliminary development approval process or contribution agreement execution. As with traditional development, the City has a role in the review and approval of the application under the Planning Act or for funding but is not in direct control of the business plan of the proponent. As outlined in the Roadmap the focus is to finding partnerships at different stages of the development approval process. However, reporting on unit counts for these conceptual plans are quite volatile and could provide a falsely positive or negative view of the work on the Roadmap.

Through the strategic investments that the City is making into land (Business Case P12) and development of property for the purposes of affordable housing are something that needs to be tracked and understood by Council and the public. To differentiate between the investments needed for partner projects (i.e. grants) and City-led shovel-ready development projects, a preliminary budget will be established within the Roadmap to attribute funds to both activities. Using the stages and the unit types outlined above, funding and tracking will be established for the two categories below:

1. City-led shovel-ready developments.
2. Grants to offset capital funding gap in affordable rental housing or ownership programs led by Community partners.

On an annual basis, Civic Administration will report back to Council on the performance within these areas and make recommendations on adjustments to reflect current and anticipated market conditions along with development activity. The planned budget and unit count is outlined in Appendix 'A'.

2.2 Shovel Ready Projects

Since January 2023, following Council’s endorsement of the Roadmap funding eligible for allocation to the preparation of lands for affordable housing, Civic Administration have been actively acquiring and undertaking development activities to support this work. Properties such as the former public school on Duluth Cres. (purchased by the HDC), the former public school on Hamilton Rd. and the four properties on Hyde Park Road near South Carriage Drive are active examples of where the City is adding value and preparing for disposal to an affordable housing developer / constructor.

Through the City’s priority under various Acts and Regulations, land can be acquired before it goes to the open market which can reduce the purchase price. In some cases, the City acquires land due to default of property tax payment. In the case of the Hyde Park Road properties, Municipal Housing Development has allocated less than \$100,000 towards the pre-development activities for this site, however the appraised value has come in between \$10 Million and \$11 Million for the two development parcels. Expenditures to support the pre-development will be significantly more than \$100,000 for the Duluth Crescent property, but the appraised value for all of the new blocks that have been created is similar to Hyde Park. The Duluth development costs are anticipated to be approximately \$3.5 Million and include the demolition of the former school building, a new public road and the development consulting costs to prepare the subdivision plan and engineering work among others.

In both cases, the value per unit (based on current unit count estimates) is between \$30,000 and \$70,000 per unit. These values will be transferred to a proponent in a Municipal Contribution Agreement through the affordable housing development process. It is Civic Administration’s intention to attribute these values as part, or all of the \$45,000 per unit using the standardized Roadmap contribution discussed later in the report. Where the value exceeds \$45,000, discussion with the proponent will occur to determine how their operating proformas are impacted and to determine if a greater depth of affordability, or more affordable units can be included in the project.

2.3 City’s Contribution – Stacking Funding is the Key to Success

To be successful in bringing affordable housing to market, the housing operator must stack funding from multiple sources to build a sustainable operating proforma. The interest rate available at the time of lending is the key driver to the financial gap noted below.

Table 2 - Typical Project Proforma Analysis - Compare 2021 to 2024

CIP Review (2024)			Roadmap to 3,000 (2021)	
Funding per Unit (80-unit building)	Downtown Building	Outside of Downtown Building	Funding per Unit (40-unit building)	Typical Building
Cost per Unit	\$422,000	\$402,000	Cost Per Unit	\$391,000
Funding Sources			Funding Sources	
Own Sources, CMHC Affordable Housing Fund Loan	\$188,000	\$188,000	Own Sources, CMCH Co-Investment Loan	\$219,000
CMHC Affordable Housing Fund Forgivable Loan	\$75,000	\$75,000	CMHC Grant	\$60,000
Financial Gap	\$159,000	\$139,000	Financial Gap	\$112,000

As shown in Table 2 above a non-profit interested in developing an affordable building must bring together a number of different sources. The CMCH has a grant program available that can offset some of the debt required to take on the project.

Table 3 - Stacking City Funding to Close the Gap

City Contribution			
	Downtown (2024)	Outside of Downtown (2024)	Roadmap (2021)
Financial Gap	\$159,000	\$139,000	\$112,000
City Funding Sources			
Roadmap	\$45,000	\$45,000	\$20,000
DC and Planning Fees Grant	--	--	\$25,000
Provincial DC Exemption	\$20,777	\$20,777	\$0
Remaining Funding Gap	\$93,223	\$73,223	\$67,000

2.4 Partnership Models in the Roadmap

Partnership models guiding the construction and operations of new affordable housing can take many different forms. These models will vary based on four main components of a project, i.e. land, funding, construction expertise and/or existing buildings. The partnership model with non-profits and for-profit development community could include all four components, but the Federal and Provincial government’s role will generally be as a funding partner.

Some examples of the different Roadmap delivery and partnership models are highlighted below, noting that there is likely a blend between 2 and 3 to suit the context of the property, new or repurposed building and local neighbourhood.

Table 2 – Partnership Models in the Roadmap

Model 1	- City-led and managed - Buy land, prepare site, construct, operate.	Example: 122 Baseline Rd.
Model 2	- City directed, 3rd party operates - City prepares site, i.e. shovel-ready 3rd party brings operations and/or construction	Example: 18 Elm St.
Model 3	- City contributes, 3rd party delivered - City provides a grant through the Roadmap 3rd party designs, constructs, operates	Example: Vision SOHO Alliance, Elmwood Place

There are other models not currently contemplated and will be explored in detail as the as they are presented. By standardizing the Roadmap contribution, Civic Administration can definitively identify the mechanics of how contributions will be disbursed.

2.5 Affordable and Social Housing Development Support from Municipal Housing Development

Legacy social housing projects were developed through federal and/or provincial funding programs from the 1950’s to the mid 1990’s. The funding for social housing is governed by a framework of agreements and legislation that up until 2022, remained largely unchanged. In Ontario, social housing largely began as a federally funded and administered housing program. In 1999, the federal government downloaded the funding and administration of social housing to Ontario through the Canada-Ontario Social Housing Agreement, 1999 (SHA). Shortly after that, the provincial government further devolved the funding and oversight of social housing to 47 Municipal Service Managers. This was enacted through the Social Housing Reform Act, 2000 (SHRA). Through the SHRA, housing program rules for social housing were written into law. This Act was later replaced by the Housing Services Act, 2011. Social Housing Projects are operated by housing providers, which are not-for-profit organizations, co-ops, private landlords, or municipal corporations.

Under this legislative framework, there exists an opportunity to support the sector and improve the lives of tenants living in social and affordable housing. As the projects reach the end of their mortgage terms, they become eligible to extract value from the properties through debt-financing. By taking out new mortgages, these non-profits have the ability to undertake necessary capital repairs, or with some additional assistance, could add new housing to the existing property and build a new mixed community of market, social (rent-geared-to-income) and affordable housing.

To support this approach, in this report, Civic Administration is formalizing the commitment by City-staff to work with LMCH, non-profit Boards and affordable housing developers in the conceptual planning and development activities where approvals and funds are contributed by the City. In addition to other support not listed, this work could include pre-zoning social housing sites to their highest and best use, providing guidance on the development approvals process, reviewing sites for potential developable areas or identifying opportunities for partnerships with other organizations.

3.0 Financial Impact/Considerations

3.1 Standardized Roadmap Contribution

As outlined in Table 3, Civic Administration are proposing a \$45,000 per unit contribution to eligible affordable housing projects. To be eligible for the contribution the proponent will be required to enter into a Municipal Contribution Agreement that includes:

- A 25-year period of affordability.
 - This period is consistent with Provincial requirements for DC exemptions.
 - Should a DC exemption not be sought, a 20-year period could be used.
- Declining balance loan – non-profit developers.
 - For non-profit developers, this approach allows for greater access to the value of the property and supports the addition of new units in new projects.
- Fixed balance loan – for-profit developers.
 - Developers that are for profit, are not eligible for a declining balance loan.
- Average Market Rent on vacancies.
 - Rent increases for units with existing tenancies must not exceed the rent increase guideline under the Residential Tenancy Act but can be increased up to 80% of the at the Average Market Rent at the time of vacancy.
- Depth of affordability.
 - A minimum of 80% of the Average Market Rent per unit must be provided.
- Stacking of programs.
 - Roadmap funding can be stacked with other funding sources including Community Improvement Plan but excluding HAF funds attributed to highly supportive housing.
- Units filled from the waitlist.
 - All affordable units must be filled from the City's housing waitlist(s).

With the endorsement of this report, Civic Administration will complete work on a contribution agreement that standardizes the obligations of a proponent receiving Roadmap funding. As recommended by the Community Improvement Plan report at the June 2024 Planning and Environment Committee meeting, staff are developing a simplified contribution agreement that protects the City's investments in affordable housing under any future CIPs, DC exemptions and/or Roadmap funds. Reporting and any requested amendments by the proponent such as postponements or change in ownership, will be simplified by having a single point of contact within the City.

3.2 Aligning Housing Accelerator Funds

A component of the Housing Accelerator Fund (HAF) includes a \$20 Million investment into affordable housing that is municipally, developer, or non-profit-led construction. To ensure that the City of London is successful in meeting these obligations, Civic Administration are recommending that Council attribute the HAF funds to both the Highly Supportive Housing Plan and the Roadmap to 3,000. This funding looks to increase the

total number of units by 444 beyond the 3000 identified in the Roadmap. This is outlined in the following sections and in Appendix “A”.

\$10 Million additional Roadmap to 3,000 Funding

Both the HAF and Roadmap include programs and investments attributed to City-led Shovel Ready Projects, Additional Residential Units and Developer-led projects. By attributing the \$10 Million of HAF funding to the Roadmap programs underway, Civic Administration can leverage existing efforts to meet Council and CMHC’s goals for new affordable housing units. Appendix ‘A’ provides an overview of the additional units attributed to this funding and looks to add an additional 222 units.

\$10 Million for Highly Supportive Housing

The CMHC’s HAF funding also includes investments into highly supportive housing as set out in London’s Whole of Community Health and Homelessness System Response and part of the 600 units can be attributed to this funding. Projects like Elmwood Place which includes a partnership between a supportive housing provider and four of the largest land developers in London are key examples of how these HAF dollars can be spent on project with a future impact on homelessness. To simplify the approval process, Civic Administration are recommending that funding be capped at \$45,000 per unit. This provides some certainty for housing providers on what is available through the City as a grant to offset capital costs and aligns with the structure of municipal contribution agreement for the Roadmap. The activities and administration support through the City are generally the same for Roadmap and Highly Supportive Housing projects and therefore a commitment to consistency, allows for simplification of the application and grant process. As noted in Appendix “A”, this looks to add an additional 222 units.

4.0 Future Council Direction Required

Over the course of 2024 and into 2025, Civic Administration will advance various initiatives and programs to support the construction of new affordable units in London. As the programs under the Roadmap focused on adding new units are delivered, staff will also build programs to support the retention of these new units along with those existing units support social and affordable developments.

Some examples of reports that will be coming forward include:

- Progress on affordable units through the Annual Development report and the Strategic Plan updates – format outlined in Appendix ‘A’.
- New Additional Residential Unit program using grants from the Roadmap.
- Procurement awards following Request for Proposals.
- Next report on the affordable housing CIP Updates on the Community Improvement Plan.
- Affordable Home Ownership Program.
- Template Municipal Contribution Agreement.
- Housing Accelerator Fund initiative program update.

With the changing Provincial planning and development legislation, if assumptions outlined in this report are impacted by policy decisions by other governments, Civic Administration will bring a report forward to highlight the impact.

Conclusion

Civic Administration is recommending a \$45,000 per affordable unit grant to support the local housing development sector in bringing more affordable units to the community. Additionally, the investments in affordable housing grant through the Housing Accelerator Fund will be attributed to both the Roadmap to 3,000 and the Highly Supportive Housing Plan. In support of these funding commitments, Civic Administration will bring forward the necessary agreements to ensure the City’s investments are protected over the long-term.

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Recommended by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

cc. Housing Enterprise Action Team

UNITS

Programs	# Units Complete ¹	# Units in Progress ²	# Units in Planning ³	Roadmap Units to-Date	Roadmap Units Remaining	Total Units by 2026	Additional Units by 2027	Total Units by 2027
	A	B	C	D=A+B+C	E	F=D+E	G	H=F+G
1.Affordabale Rental								
City-Led Shovel-Ready Developments	137	42	361	540	318	858	100	958
Community-Led Developments	361	542	332	1,235	743	1,978	100	2,078
2. Affordable Ownership								
City-Led Shovel-Ready Developments			24	24	33	57	11	69
Community-Led Developments		14	12	26	83	109	11	121
Total Roadmap	498	598	729	1,825	1,175	3,000	222	3,222

	# Units Complete	# Units in Progress	# Units in Planning	To Date	Units Remaining	Total Units by 2027
	A	B	C	D=A+B+C	E	F=D+E
Highly Supportive Housing⁴	93	0	50	143	457	600

NOTES:

1. Units Complete – Occupancy has been granted.
2. Units in Progress – Building permit has been issued.
3. Units in Planning – Development application has been received, design and development review in process.
4. A target of 222 additional Highly Supportive Housing units are included in the 600 contemplated under the Whole of Community System Response (WoCSR). The associated funding provides a mechanism for the City to contribute capital funds for this initiative but independent of the Roadmap to 3,000. The contribution is capped at \$45,000 per unit.

\$ FUNDING

Programs	Funding Committed	Capital Budget Funding ¹			Total Roadmap	HAF Funding	Total Funding for Housing
Millions of \$	As of Dec 2023	2024	2025	2026			
1.Affordabale Rental							
City-Led Shovel-Ready Developments	\$7.7	\$37.5	\$6.8	\$4.5	\$51.4	\$5.0	\$56.4
Community-Led Developments	\$15.1	\$3.0	\$4.5	\$2.0	\$19.6	\$5.0	\$24.6
Highly Supportive Housing ²	--	\$2.4	\$3.5	\$4.1	--	\$10.0	\$10.0
2. Affordable Ownership							
City-Led Shovel-Ready Developments	\$0.4	\$4.2	\$0.5	\$0.5	\$5.6	--	\$5.6
Community-Led Developments	\$0.0	\$0.3	\$0.5	\$0.5	\$1.3	--	\$1.3
							\$0.0
Total	\$23.2	\$47.4	\$15.8	\$11.6	\$78.0	\$20.0	\$98.0

NOTES:

1. Funding forecasts are based on preliminary estimates following pre-qualification. Final program amounts will vary by project and response to 2nd stage requests for proposal.
2. Highly Supportive Housing budget does not include any Roadmap funds, full amount comes from the Housing Accelerator Fund.

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Affordable Residential Unit Development Charge Exemption
Agreements

Date: July 15, 2024

Recommendation

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

- a) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on July 23, 2024 to:
- i. authorize and approve a template Affordable Residential Unit Rental Development Charge Exemption Agreement; and template Affordable Residential Unit Ownership Development Charge Exemption Agreement (together, the “Agreements”);
 - ii. authorize the Deputy City Manager, Planning and Economic Development or their written designate to execute the Agreements;
 - iii. authorize the Deputy City Manager, Planning and Economic Development, or their written designate, to approve amendments to the Agreements.

Executive Summary

The purpose of this report is to provide an update on a newly enacted affordable residential unit development charge exemption that is now contained in the Development Charges Act (DCA), 1997.

A property owner must enter into an agreement with the City that requires the residential unit to remain affordable for 25-years to be eligible for this exemption.

This report also seeks Council approval of two legal agreement templates for affordable residential unit rental units and another for affordable residential unit ownership. A delegation of authority to Civic Administration to enter into the agreements as part of the development approval process is also requested.

Linkage to the Corporate Strategic Plan

Council and staff continue to recognize the importance of actions to support housing, as reflected in the 2023-2027 - Strategic Plan for the City of London. Specifically, the efforts described in this report address the following Areas of Focus, including:

Housing and Homelessness

Outcome 1 - The City of London demonstrates leadership and builds partnerships to increase quality, affordable, and supportive housing options.

Expected Result 1.1 - Increased access to a range of quality, affordable and supportive housing options that meet the unique needs of Londoners.

Strategy

(a) Increase the supply, range, and depth of affordability of quality housing options where people feel safe.

Analysis

1.0 Background Information

Since 2019, the Development Charges Act (DCA), 1997 has gone through some significant legislative changes, including expanding the types of development that would be subject to development charge (DC) exemptions. One of the exemptions, affordable residential units, was introduced in October 2022 through Bill 23, More Homes Built Faster Act, 2022. While components of Bill 23 have subsequently been enacted and incorporated into the DCA, the affordable residential unit exemption was a pending matter for the Provincial legislature. It should be noted that non-profit housing developments are now fully exempt as of November 28, 2022 when Bill 23 amended the DCA. As a result, the balance of this report will address the DC exemptions for affordable residential units that are not considered non-profit housing.

In September 2023, Bill 134, Affordable Homes and Good Jobs Act, 2023 was introduced, which amended the determination of when a residential unit would be considered an affordable residential unit. While Bill 134 received Royal Assent in December 2023, the affordable residential unit exemption was not legislated until the Provincial government released the Affordable Residential Units Bulletin and proclaimed the DCA amendment in force and effect as of June 1, 2024. The release of the Bulletin was critical because it is necessary when assessing whether a residential unit is deemed affordable and therefore eligible for the DC exemption, noting the Bulletin will be updated periodically by the Minister of Municipal Affairs and Housing.

When is a Residential Unit Considered Affordable in the Development Charges Act?

The affordable residential unit exemption is eligible for both rented units and owned units. Residential units are deemed exempt from DCs if the following conditions are met:

- Affordable Residential Units – Rental
 - The rent is no greater than the lesser of:
 - The income of a household that, in the Minister's opinion, is at the 60th percentile of gross annual incomes for renter households in the applicable local municipality; and,
 - The rent that, in the Minister's opinion, is equal to 30 per cent of the income of the household.
- Affordable Residential Units – Ownership
 - The price of the residential unit is no greater than the lesser of:
 - The income of a household that, in the Minister's opinion, is at the 60th percentile of gross annual incomes for households in the applicable local municipality; and,
 - 90 per cent of the average purchase price identified for the residential unit and would result in annual accommodation costs equal to 30 per cent of the income of the household.
- Non-Profit Housing Exemption
 - A non-profit corporation whose primary focus is to provide housing.

Requirement for Affordable Residential Unit DC Agreement

In addition to meeting affordability thresholds, the property owner that would be required to pay DCs must enter into an agreement with the City that requires the residential unit

(both rental and ownership) to remain affordable for 25-years before the exemption is applied (Appendix A, Schedule 1 and Schedule 2). It should be noted that the 25-year agreement is a requirement in the DCA.

For Profit Developments:

- A development charge is not applied to units deemed affordable.
- An agreement is registered for 25-years, and delivery of affordable units is tracked year-over-year based on Ministry of Municipal Affairs and Housing period updates to the Affordable Housing Bulletin.
- In the event of default under the agreement, the methodology that will be applied by civic administration for the purposes of establishing an interest rate will be based on the lowest average prime rate from major Canadian banks plus 1% for the respective interest period, noting that the interest rate will be adjusted on January 1, April 1, July 1 and October 1. Interest will be applied and calculated using the lowest rate in effect at any point during the frozen DC period. If the frozen DC period has lapsed, then the interest rate will be the average prime rate from major Canadian banks plus 1% in effect at building permit issuance.
- Market units constructed in the building are subject to a DC.

Non-Profit Developments:

- A DC is not applied to the building permit for any units constructed.
- No agreement is registered on title for the DC exemption.
- Unit mixes in buildings could include both affordable and market units to ensure a viable operating proforma.
- Overall reduction to capital and operating by reducing the debt portion of the non-profit operator.

City-owned Properties:

- A DC is not applied to the building permit for any units constructed where the City is the owner.
- No agreement is necessary.

Ongoing Review and Approval of Affordable Housing Exemptions

In alignment with day-to-day activities to promote and support new affordable housing, Municipal Housing Development will be reviewing development applications and working with applicants to confirm eligibility for the affordable residential unit exemption. These processes have been assessed by Municipal Housing Development, Planning and Development, Building, Legal and Development Finance to ensure that the systems are modified to accommodate the tracking, recording and performance monitoring of these exemptions.

In many cases, there could be stacking of City funds through programs like the Roadmap to 3,000 to offset capital costs of the project. The typical Municipal Contribution Agreement would be modified to include the DC exemption where possible. The performance tracking and monitoring of affordable residential units and non-profit units will continue to be an activity under Municipal Housing Development.

2.0 Financial Impact/Considerations

Since 2019, the Provincial government has made significant changes to the DCA. This included expanding the number and types of developments exempted from paying DCs. As a result, the 2024-2027 Multi-Year Budget provides a funding source for these statutory changes. However, since the affordable residential unit exemption was not in force and effect prior to the approval of the multi-year budget, additional funding was not allocated to support this specific exemption. Civic administration will continue to monitor developments that qualify for the exemption and will bring forward additional funding requests through the budget process if required.

Conclusion

As of June 1, 2024, the DCA was amended to include an additional exemption for affordable residential units. This is a positive development for providing an additional tool that may be leveraged to promote more affordable residential units within private developments.

In order to expedite the process of exempting eligible developments, it is recommended that Council approve both Affordable Residential Unit Development Charge Exemption Agreement templates and grant civic administration delegated authority to enter into and amend such agreements.

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Director, Municipal Housing Development

Concurred by: Anna Lisa Barbon, CPA, CGA
Deputy City Manager, Finance Supports

Recommended by: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

APPENDIX ‘A’

Bill No.
2024

By-law No. A-

A by-law to approve template Affordable Residential Unit Development Charge Exemption Agreements and authorize the Deputy City Manager, Planning and Economic Development to execute and amend same.

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 the *Development Charges Act*, 1997 exempts affordable residential units that meet the criteria under s. 4.1 of the *Development Charges Act*, 1997;

AND WHEREAS s. 4.1(9) of the *Development Charges Act*, 1997 requires a person who, but for s. 4.1(8) would be required to pay a devilment charge to enter into an agreement with The Corporation of the City of London that requires the residential unit to be an affordable residential unit for a period of 25 years from the date the unit is first sold or rented;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Affordable Residential Unit Rental Development Charge Exemption Agreement template attached to this bylaw as Schedule “1” is hereby authorized and approved.
2. The Affordable Residential Unit Ownership Development Charge Exemption Agreement template attached to this bylaw as Schedule “2” is hereby authorized and approved.
3. The Deputy City Manager, Planning and Economic Development, or their written designate, is authorized to approve amendments to the agreements approved under section 1 and 2 of this bylaw.
4. The Deputy City Manager, Planning and Economic Development, or their written designate, is authorized to execute the agreements approved under section 1 and 2 of this bylaw, which may be amended pursuant to the Deputy City Manager, Planning and Economic Development’s authority under section 3 of this bylaw.
4. This by-law comes into effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Passed in Open Council on July 23, 2024 subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – July 23, 2024
Second Reading – July 23, 2024
Third Reading – July 23, 2024

SCHEDULE 1

AFFORDABLE RESIDENTIAL UNIT RENTAL DEVELOPMENT CHARGE EXEMPTION AGREEMENT

(the “Owner”)

-and-

The Corporation of the City of London

(the “City”)

WHEREAS the *Development Charges Act, 1997* exempts the creation of residential units intended to be affordable residential units for a period of 25 years or more from the time the unit is first rented;

AND WHEREAS the Owner is the registered owner of the property municipally known as [INSERT ADDRESS];

AND WHEREAS the Owner intends to build [INSERT NUMBER] residential unit(s) and has made application [INSERT NUMBER] for a building permit from the City;

AND WHEREAS the Owner intends to develop and operate Affordable Residential Unit[s] within the above-referenced building permit application and has applied for an exemption of its development charges;

AND WHEREAS the Property must comply with the prescribed requirements under the *Development Charges Act, 1997* to qualify for the exemption;

NOW THEREFORE in consideration of the mutual covenants and other terms and conditions of this Agreement and the sum of Two Dollars (\$2.00) of lawful money of Canada now paid by each of the parties to each other (the receipt and sufficiency whereof are acknowledged), the parties agree as follows:

Interpretation

1. In this Agreement and its Schedules, the following terms have the following respective meanings:

“Act” or “*Development Charges Act, 1997*” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as may be amended.

“Affordable Residential Unit” means a residential unit that meets the criteria set out in s. 4.1(2) of the Act and rented in accordance with this Agreement.

“Arm’s length” has the meaning set out in section 251 of the *Income Tax Act* (Canada) applied with necessary modifications.

“Affordable Residential Units bulletin” means the bulletin entitled the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997*”

Bulletin”, as it is amended from time to time, which is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

“average market rent” means the average market rent for the year in which the residential unit is occupied by a tenant, as identified in the Affordable Residential Units bulletin, as it is amended from time to time.

“Building Permit” is the building permit issued pursuant to the *Building Code Act*, S.O. 1992, c. 23 for the residential unit[s] the Owner proposes to build in respect of which development charges are payable.

“income-based affordable rent” means the income-based affordable rent for the residential unit set out in the Affordable Residential Units bulletin.

“Property” means the lands described in Schedule “A”.

TERM

2. The term of the Agreement shall commence on the date the building is first occupied and end on the twenty-five anniversary of the Affordable Residential Unit first being rented.

EXEMPTION FROM DEVELOPMENT CHARGES

3. The Owner will be exempt from Development Charge on the Affordable Residential Unit(s) on the Property if it complies with the terms and conditions of this Agreement and the requirements of the *Development Charges Act, 1997* for Affordable Residential Units.
4. The Development Charge payable on the Affordable Residential Unit(s) on the Property [INSERT AMOUNT] (“Development Charge”) will be payable upon an Event of Default together with any interest accrued in accordance with this Agreement.

AFFORDABLE RESIDENTIAL UNIT, RENTED

5. The Owner shall build [insert number] Affordable Residential Unit(s) on the Property in accordance with the Building Permit issued to the Property.
6. The Affordable Residential Unit(s) shall meet the criteria for an Affordable Residential Unit set out in the *Development Charges Act* for the term of the agreement.
7. The Affordable Residential Unit(s) shall be rented at a rent no greater than the lesser of
 - a. the income-based affordable rent for the residential unit set out in the Affordable Residential Units bulletin, and
 - b. the average market rent identified for the residential unit set out in the Affordable Residential Units bulletin.
8. The Affordable Residential Unit(s) shall only be rented to a tenant that is dealing at Arm’s Length with the Owner.

ISSUANCE OF A BUILDING PERMIT

9. If the City does not issue a building permit, the Owner and the City agree that this Agreement shall terminate and that the parties’ respective obligations under the Agreement shall end.

REGISTRATION OF AGREEMENT

10. The Owner shall prepare and register the Agreement against the title to the Property at its own expense and provide written confirmation from the Owner's solicitor that the Agreement has been registered, together with a copy of the registered instrument prior to the Development Charge becoming payable under the Act or, if applicable, the first annual installment of the Development Charge becoming due under s. 26.1 of the Act.
11. Following the expiry of the term of the Agreement, the Owner may submit a written request to the City to have the Agreement discharged from title to the Property and the City shall consent to the discharge of this Agreement from title to the Property.

ANNUAL REPORTS AND INFORMATION SHARING

12. The Owner shall obtain a Residential Rental Unit License prior to renting the residential unit.
13. The Owner shall submit an annual report to the City in the form set by the Director, Municipal Housing Development. The form will be sent to the Owner each year by email at [INSERT EMAIL] or by mail to the address for notice to the Owner and shall be completed and returned to the City by the date specified on the notice.
14. The Owner shall provide the City with a copy of the lease and rent receipts for the Affordable Residential Unit[s] on the Property and any other information or documents required by the City to review compliance with this Agreement within 30 days upon request.

EVENT OF DEFAULT

15. Each of the following shall constitute an event of default ("Event of Default") under the Agreement:
 - i. The Owner fails to comply with a term or condition of this Agreement;
 - ii. The annual report submitted to the City is untrue or misleading.

CONSEQUENCES OF EVENTS OF DEFAULT

16. If an Event of Default occurs,
 - i. The City shall provide notice of an Event of Default to the Owner;
 - ii. The entire Development Charge stated in clause 4 shall become due and payable by the Owner immediately and the Owner acknowledges and agrees that this Agreement shall be treated as an alternative payment agreement under section 27 of the Act;
 - iii. Interest will be charged on the Development Charge at a rate of interest of [INSERT RATE OF INTEREST] calculated from the date the building permit for the development was issued to the date of payment of the Development Charge together with the accrued interest and all other amounts owing under the Agreement;
 - iv. If the Development Charge, together with the interest accrued, remains unpaid after 90 days from the Owner receiving a Notice of Default it shall be added to the tax roll and be collected in the same manner as taxes;
 - v. The City may initiate any action or proceeding it considers necessary against the Owner to recover the Development Charge, together with any interest accrued.

17. The City shall have the option of waiving any and all of its remedies under this Agreement, but no waiver of a provision shall be deemed to constitute a waiver of any other provision, nor shall any waiver constitute a continuing waiver unless otherwise provided. If an Event of Default occurs, all the remedies in this Agreement are cumulative and not alternative and the City shall not be precluded from availing itself simultaneously of some or all of said remedies and any other remedies available in equity or in law.

COSTS

18. The Owner shall be responsible for all legal costs and expenses incurred by the City in the event that it takes any legal action following an Event of Default or any action taken to enforce the terms and conditions of the Agreement.

INDEMNIFICATION

19. The Owner shall indemnify and hold harmless the City, its elected officials, employees, agents, successors or assigns from all claims, costs, all matters of action, causes and causes of actions, duties, dues, accounts, covenants, demands or other proceeding of every kind or nature whatsoever at law or in equity arising out of or in connection with the Agreement.

ENTIRE AGREEMENT

20. This Agreement and its Schedules constitute the entire agreement between the parties with respect to all matters herein and its execution has not been induced by, nor do any of the parties rely upon or regard as material, any representations or writings whatsoever not incorporated herein and made part hereof and may not be amended or modified in any respect except by a written agreement signed by both parties.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

21. The Owner acknowledges that the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56 applies to this Agreement and any information and reports provided to the City pursuant to the Agreement, which may be subject to public access and disclosure.

INDEPENDENT LEGAL ADVICE

22. The Owner acknowledges and confirms that they have had the opportunity to obtain independent legal advice on the Agreement. The Owner acknowledges that they have read this Agreement, understand the terms and conditions and the Owner's rights and obligations under the Agreement.

NOTICE

23. All notices required by this Agreement shall be in writing and shall be delivered in person or by prepaid courier or mailed by certified or registered mail, return receipt requested, with postage prepaid.

Notice to the City shall be addressed to:

The City Clerk
The Corporation of the City of London
300 Dufferin Ave
PO Box 5035
London, ON N6A 4L9

[INSERT OWNER INFORMATION]

All notices shall be deemed to have been received by the Owner on the date of delivery or on the fifth business day following the mailing of the notice, whichever is applicable. For the purpose of notice, “business day” means every day except Saturdays, Sundays and statutory holidays in the Province of Ontario.

The above address of either the City or the Owner may be changed by giving the other party written notice of the new address.

If postal service is interrupted, or threatened to be interrupted, or is substantially delayed, any notice shall only be sent by facsimile transmission or delivered by courier.

PARTIAL SEVERABILITY

24. If any part of this Agreement is rendered invalid or illegal, the remainder of this Agreement continues to apply.

HEADINGS

25. The headings in this Agreement are for convenience only and shall not in any way limit or be deemed to construe or interpret the terms and provisions of this Agreement.

AMENDMENTS

26. Any subsequent alteration, amendment, charge or addition to this Agreement shall not be binding on the City or the Owner unless in writing signed by each of them.

ASSIGNMENT

27. This Agreement may not be assigned without the prior written consent of the City, noting that any and all subsequent owners of the Property shall be bound by this Agreement and the municipality shall be entitled to enforce this Agreement against any and all subsequent owners of the Property pursuant to s. 4.1(13) of the Act.

ENUREMENT

28. This Agreement shall enure to the benefit of and be binding on the parties and their respective heirs, executors, successors and permitted assigns. Any and all subsequent owners of the Property shall be bound by this Agreement and the City shall be entitled to enforce the Agreement pursuant to s. 4.1(13) of the Act.

GOVERNING LAW

29. This Agreement shall be governed and interpreted in accordance with the laws of Ontario and Canada applicable to the Agreement and shall be treated in all respects as an Ontario contract. The Owner and the City specifically submit to the exclusive jurisdiction of the courts of Ontario and Canada.

EXECUTION

30. The Owner acknowledge that it has read this Agreement, understands it and agrees to be bound by its terms and conditions.

In witness whereof this Agreement has been executed by the Parties.

SIGNED AND DELIVERED

Witness:

Print Name:

[INSERT NAME OF OWNER]

OWNER

I have the authority to bind the
Corporation

THE CORPORATION OF THE CITY OF
LONDON

Schedule “A”

Municipal Address:

Legal Description:

SCHEDULE 2

AFFORDABLE RESIDENTIAL UNIT OWNERSHIP DEVELOPMENT CHARGE EXEMPTION AGREEMENT

(the “Owner”)

-and-

The Corporation of the City of London
(the “City”)

WHEREAS the *Development Charges Act, 1997* exempts the creation of residential units intended to be affordable residential units for a period of 25 years or more from the time the unit is first rented;

AND WHEREAS the Owner is the registered owner of the property municipally known as [INSERT ADDRESS];

AND WHEREAS the Owner intends to build an Affordable Residential Unit and has made application [INSERT NUMBER] for a building permit from the City;

AND WHEREAS the Owner intends to develop and sell the Affordable Residential Unit within the above-referenced application for a building permit from the City and has applied for an exemption of its development charges;

AND WHEREAS the Property must comply with the prescribed requirements under the *Development Charges Act, 1997* to qualify for the exemption;

NOW THEREFORE in consideration of the mutual covenants and other terms and conditions of this Agreement and the sum of Two Dollars (\$2.00) of lawful money of Canada now paid by each of the parties to each other (the receipt and sufficiency whereof are acknowledged), the parties agree as follows:

Interpretation

1. In this Agreement and its Schedules, the following terms have the following respective meanings:

“Act” or “*Development Charges Act, 1997*” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as may be amended.

“Arm’s length” has the meaning set out in section 251 of the *Income Tax Act* (Canada) applied with necessary modifications.

“Affordable Residential Unit” means a residential unit that meets the criteria set out in s. 4.1(3) of the Act and sold in accordance with this Agreement.

“Affordable Residential Units bulletin” means the bulletin entitled the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin”, as it is amended from time to time, which is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

“average purchase price” means the average purchase price for the year in which the residential unit is sold, as identified in the bulletin entitled the “Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin”, as it is amended from time to time.

“Building Permit” is the building permit issued pursuant to the *Building Code Act*, S.O. 1992, c. 23 for the residential unit[s] the Owner proposes to build in respect of which development charges are payable.

“income-based affordable purchase price” means the income-based affordable purchase price for the residential unit set out in the Affordable Residential Units bulletin.

“Property” means the lands described in Schedule “A”.

TERM

2. The term of the Agreement shall commence on the date the Affordable Residential Unit is effectively sold and end on the twenty-fifth anniversary of each Affordable Residential Unit first being sold.

EXEMPTION FROM DEVELOPMENT CHARGES

3. The Owner will be exempt from Development Charge on the Affordable Residential Unit(s) on the Property if it complies with the terms and conditions of this Agreement and the requirements of the *Development Charges Act, 1997* for affordable residential units, ownership.
4. The Development Charge payable on the Affordable Residential Unit(s) on the Property [INSERT AMOUNT] (“Development Charge”) will be payable upon an Event of Default together with any interest accrued in accordance with this Agreement.

AFFORDABLE RESIDENTIAL UNIT, OWNERSHIP

5. The Owner shall build an Affordable Residential Unit on the Property in accordance with the Building Permit issued to the Property.
6. The Affordable Residential Unit shall meet the criteria for an Affordable Residential Unit, ownership set out in the *Development Charges Act* for the term of the agreement.
7. The Affordable Residential Unit shall not be used as a rented residential premises.
8. During the term of this Agreement, the Affordable Residential Unit shall only be sold to a person dealing at arm’s length with the seller.
9. During the term of this Agreement, if the Owner sells the Property, the purchase price of the Affordable Residential Unit shall not exceed the lesser of,
 - i. The income-based affordable purchase price for the residential unit set out in the Affordable Residential Units bulletin; and
 - ii. 90 per cent of the average purchase price identified for the residential unit set out in the Affordable Residential Units bulletin.

ISSUANCE OF A BUILDING PERMIT

10. If the City does not issue a building permit, the Owner and the City agree that this Agreement shall terminate and that the parties' respective obligations under the Agreement shall end.

REGISTRATION OF AGREEMENT

11. The Owner shall prepare and register the Agreement against the title to the Property at its own expense and provide written confirmation from the Owner's solicitor that the Agreement has been registered, together with a copy of the registered instrument prior to the Development Charge becoming payable under the Act.
12. Following the expiry of the term of the Agreement, the Owner may submit a written request to the City to have the Agreement discharged from title to the Property and the City shall consent to the discharge of this Agreement from title to the Property.

DECLARATION TO BE PROVIDED ON TRANSFER OF PROPERTY

13. The Owner and the Purchaser shall complete and sign any forms, attestations or declarations required by the Director, Municipal Housing Development prior to the transfer of the Affordable Residential Unit. The Owner shall contact housing@london.ca to obtain the form, attestation or declaration 30 days prior to transferring the Affordable Residential Unit.

EVENT OF DEFAULT

14. Each of the following shall constitute an event of default ("Event of Default") under the Agreement:
- i. The Owner fails to comply with a term or condition of this Agreement;
 - ii. The attestation submitted to the City is untrue or misleading.

CONSEQUENCES OF EVENTS OF DEFAULT

15. If an Event of Default occurs,
- i. The City shall provide notice of an Event of Default to the Owner;
 - ii. The entire Development Charge stated in clause 4 shall become due and payable by the Owner immediately and the Owner acknowledges and agrees that this Agreement shall be treated as an alternative payment agreement under section 27 of the Act;
 - iii. Interest will be charged on the Development Charge at a rate of interest of [INSERT RATE OF INTEREST] calculated from the date the building permit for the development was issued to the date of payment of the Development Charge together with the accrued interest and all other amounts owing under the Agreement;
 - iv. If the Development Charge, together with the interest accrued, remains unpaid after 90 days from the Owner receiving a Notice of Default it shall be added to the tax roll and be collected in the same manner as taxes;
 - v. The City may initiate any action or proceeding it considers necessary against the Owner to recover the Development Charge, together with any interest accrued.
16. The City shall have the option of waiving any and all of its remedies under this Agreement, but no waiver of a provision shall be deemed to constitute a waiver of

any other provision, nor shall any waiver constitute a continuing waiver unless otherwise provided. If an Event of Default occurs, all the remedies in this Agreement are cumulative and not alternative and the City shall not be precluded from availing itself simultaneously of some or all of said remedies and any other remedies available in equity or in law.

COSTS

17. The Owner shall be responsible for all legal costs and expenses incurred by the City in the event that it takes any legal action following an Event of Default or any action taken to enforce the terms and conditions of the Agreement.

INDEMNIFICATION

18. The Owner shall indemnify and hold harmless the City, its elected officials, employees, agents, successors or assigns from all claims, costs, all matters of action, causes and causes of actions, duties, dues, accounts, covenants, demands or other proceeding of every kind or nature whatsoever at law or in equity arising out of or in connection with the Agreement.

ENTIRE AGREEMENT

19. This Agreement and its Schedules constitute the entire agreement between the parties with respect to all matters herein and its execution has not been induced by, nor do any of the parties rely upon or regard as material, any representations or writings whatsoever not incorporated herein and made part hereof and may not be amended or modified in any respect except by a written agreement signed by both parties.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

20. The Owner acknowledges that the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56 applies to this Agreement and any information provided to the City pursuant to the Agreement, which may be subject to public access and disclosure.

INDEPENDENT LEGAL ADVICE

21. The Owner acknowledges and confirms that they have had the opportunity to obtain independent legal advice on the Agreement. The Owner acknowledges that they have read this Agreement, understand the terms and conditions and the Owner's rights and obligations under the Agreement.

NOTICE

22. All notices required by this Agreement shall be in writing and shall be delivered in person or by prepaid courier or mailed by certified or registered mail, return receipt requested, with postage prepaid.

Notice to the City shall be addressed to:

The City Clerk
The Corporation of the City of London
300 Dufferin Ave
PO Box 5035
London, ON N6A 4L9

Notice to the Owner shall be addressed to the Owner at the address for the Subject Lands. All notices shall be deemed to have been received by the Owner on the date of delivery or on the fifth business day following the mailing of the

notice, whichever is applicable. For the purpose of notice, “business day” means every day except Saturdays, Sundays and statutory holidays in the Province of Ontario.

The above address of either the City or the Owner may be changed by giving the other party written notice of the new address.

If postal service is interrupted, or threatened to be interrupted, or is substantially delayed, any notice shall only be sent by facsimile transmission or delivered by courier.

PARTIAL SEVERABILITY

23. If any part of this Agreement is rendered invalid or illegal, the remainder of this Agreement continues to apply.

HEADINGS

24. The headings in this Agreement are for convenience only and shall not in any way limit or be deemed to construe or interpret the terms and provisions of this Agreement.

AMENDMENTS

25. Any subsequent alteration, amendment, charge or addition to this Agreement shall not be binding on the City or the Owner unless in writing signed by each of them.

ASSIGNMENT

26. This Agreement may not be assigned without the prior written consent of the City, noting that any and all subsequent owners of the Property shall be bound by this Agreement and the municipality shall be entitled to enforce this Agreement against any and all subsequent owners of the Property pursuant to s. 4.1(13) of the Act.

ENUREMENT

27. This Agreement shall enure to the benefit of and be binding on the parties and their respective heirs, executors, successors and permitted assigns. Any and all subsequent owners of the Property shall be bound by this Agreement and the City shall be entitled to enforce the Agreement pursuant to s. 4.1(13) of the Act.

GOVERNING LAW

28. This Agreement shall be governed and interpreted in accordance with the laws of Ontario and Canada applicable to the Agreement and shall be treated in all respects as an Ontario contract. The Owner and the City specifically submit to the exclusive jurisdiction of the courts of Ontario and Canada.

EXECUTION

29. The Owner acknowledge that it has read this Agreement, understands it and agrees to be bound by its terms and conditions.

In witness whereof this Agreement has been executed by the Parties.

SIGNED AND DELIVERED

Witness:
Print Name:

[INSERT NAME OF OWNER]
OWNER
I have the authority to bind the
Corporation

THE CORPORATION OF THE CITY OF
LONDON

Schedule “A”

Municipal Address:
Legal Description:

Public Report to Community & Protective Services

To: Chair and Members
Corporate Services Committee

From: Tara Pollitt, Deputy City Manager – Legal Services
Scott Mathers, MPA, P.Eng, Deputy City Manager –
Planning & Economic Development

Subject: Draft Advocacy Message Sign Bylaw

Date: July 15, 2024

Recommendation

That a Public Participation Meeting BE HELD at a future CPSC meeting with respect to the draft Advocacy Message Sign By-law, attached as Appendix “A”.

Executive Summary

Council directed Civic Administration to prepare a draft by-law with respect to the Regulation of the Display of Graphic Images. A draft by-law entitled “Advocacy Message Sign By-law” is attached as Appendix “A”, in response to Council’s direction.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- February 20, 2024, CPSC, [Regulation of the Display of Graphic Images](#)

1.2 Background

On August 2, 2022, Council resolved:

The Civic Administration BE DIRECTED to report back to a future meeting of the Community and Protective Services Committee with respect to potential changes that could be made to the Sign By-law related to the prohibition of the display of graphic images in public; it being noted that the verbal delegation and communication, as appended to the Agenda, from D. Ronson, with respect to this matter, were received.

On December 19, 2023, Council further resolved:

That the Civic Administration BE DIRECTED to prepare a by-law amending the Streets By-law (S-1) to regulate the display of graphic images in the City of London with a report back at a future meeting of the Community and Protective Services Committee and a public participation meeting on the proposed by-law amendment by the end of Q1 2024; it being noted that the communications, as appended to the Added Agenda, from Councillors S. Trosow and H. McAlister and K. Dean, with respect to this matter, were received...

Most recently, at its Council Meeting of March 5, 2024, Council resolved:

That the staff report, dated February 20, 2024, BE REFERRED back to the Civic Administration and the Civic Administration BE DIRECTED to bring forward a draft by-law with respect to the Regulation of the Display of Graphic Images to a future meeting of the Community and Protective Services Committee for consideration by the end of Q2 2024;

It being noted that the communications as appended to the Added Agenda, from J. Gunnarson, A. Polizogopoulos, A. Honner, M. McCann and J. Jeffs, with respect to this matter, were received.

2.0 Discussion and Considerations

Council has directed Civic Administration to bring forward a draft by-law with respect to the Regulation of the Display of Graphic Images. Attached as Appendix “A” is a draft “Advocacy Message Sign By-law”.

3.0 Authority to Pass Municipal By-laws

Generally speaking, municipalities have been given broad powers to pass by-laws. However, a by-law may be quashed for illegality under s. 273 of the Municipal Act, 2001, and caselaw has set out what may constitute “illegality” for the purposes of this section. Illegality under s. 273 encompasses a variety of municipal law grounds, including: violation of Charter rights; ultra vires (beyond legal authority), improper purpose, bad faith, or vagueness.

4.0 Charter Rights

Rights of individuals are guaranteed under Canada’s Charter of Rights and Freedoms. A by-law regulating the display of signs on streets and highways may be subject to a Charter challenge where it is alleged that the by-law infringes rights guaranteed by the Charter (s. 2(b) freedom of expression). The City Council must be satisfied in enacting the by-law that it does not violate Charter rights; or, to the extent that there is some potential Charter infringement, that the means used by the City to achieve its objective are rationally connected to that objective, that there isn’t another way to achieve the same objective without violating anyone’s rights or freedoms, or violating them to a lesser degree, and that the City’s objective in enacting the by-law is significant enough to justify violating a Charter right (as per the Oakes test).

5.0 Draft By-law – Advocacy Message Sign By-law

The purpose of this draft By-law is to promote safety on City streets to reduce driver distraction and to maintain sight lines for drivers, and to reduce impeding the flow of pedestrian traffic: (i) by regulating the display of non-commercial, portable, temporary “Advocacy Message Signs”, otherwise known as protest signs, demonstration signs, or political signs, that are held (by hand, or affixed to a stick), or ‘worn’ by individuals (as sandwich boards and the like) generally during a protest or demonstration while on City streets; (ii) and by prohibiting the placing or resting of such Advocacy Message Signs on the sidewalk or boulevard.

The regulation of such signs in the draft by-law is content-neutral, and regulates the size of the signs, where the signs can be located, and prohibits the resting or placing of such signs on the Street.

Clear sight lines at urban intersections are important to facilitate eye contact between drivers, cyclists, and pedestrians to promote safe and effective movement by all users. The presence of obstructions such as signs near intersections may interfere with the ability of drivers to see pedestrians.

Signs located along the roadside contribute to increasing demands to the driving task and are considered to be a source of driver distraction drawing attention away from activities critical for the safe operation of a motor vehicle.

5.1 Draft By-law Regulations – Summary

Size: The size of Advocacy Message Signs is restricted to no greater than 0.69 square metres (7.5 square feet) in surface area on its face; 0.76 metres (2.5 feet) in horizontal width; 0.91 metres (3 feet) in vertical height; and 0.076 metres (3 inches) in depth.

Location: Advocacy Message Signs cannot be held:

- on a Roadway (that portion of a Street which is improved for the travel of motor vehicles) except with the express written permission of the City Engineer;
- within 3 metres (9.84 feet) of a Crosswalk. There is an exception if a person is using the Crosswalk to cross the Street, and the sign is not held in such a manner as to distract drivers, obstruct driver views, or to interfere with the Crosswalk by other pedestrians.

Additional Regulations: Advocacy Message Signs (and any supporting structures):

- cannot be placed or rested on a Street;
- cannot be left unattended on a Street;
- cannot obstruct the free use of the Street;
- cannot be affixed to any City property on a Street.

Enforcement: Signs (and supporting structures) that are placed or are resting on the Street can be removed by Enforcement Officers, and a storage fee imposed. Maximum fine is \$10,000 for each offence, and \$50,000 for directors or officers of corporations.

Administrative Monetary Penalty can be imposed once the AMPs by-law is amended.

6.0 Enforcement Background

How would a new by-law be enforced?

With the adoption of any new municipal by-law or larger amendment, the standard protocol has been a three-pronged approach in accordance with [the Municipal Compliance Services Policy](#):

- Engagement and education
- Encouraging voluntary compliance
- Enforcement if necessary is based on officer discretion

The approach to any new by-law to address this matter if approved by Council is to follow this protocol and have a very strong front-ended focus on engagement, education and communications. Typically after a new by-law is passed by Council, Civic Administration sends an application to a Senior Regional Judge for a set fine order related to the prohibitions in the by-law. Additionally, Civic Administration may recommend an amendment to the Administrative Monetary Penalty System (AMPS) By-law introducing short form wording and a penalty amount.

Standard operating procedures are utilized in response to complaints. Complainants may be required to submit a statement of facts in some cases to assist with the collection of evidence. Further, if charges are laid, or administrative penalties are issued, complainants may be required to attend a hearing and provide evidence. A similar process was previously led by MLEOs and the public with respect to charges under the Public Nuisance By-law for “unnecessarily interfere with another person’s use and enjoyment of the Public Place by using abusive or insulting language as a personal invective”. The evidence of the MLEOs and members of the public led to multiple convictions and substantial fines.

There could be challenges to enforcing this by-law on the following matters: responding to complaints when MLEOs are off duty (evenings, Sundays) or are engaged in other compliance matters; determining the identity of the offender; Officer Safety (attending a large demonstration could lead to the need for additional MLEO backup or possibly LPS attendance); and determining the location of the sign (i.e.is the sign on the street as defined in the by-law or on private property).

Conclusion

Council referred this matter back to Civic Administration and directed Civic Administration to bring forward a draft by-law with respect to the Regulation of the Display of Graphic Images. This report is in response to these directions. A draft by-law entitled “Advocacy Message Sign By-law” is attached.

Prepared by:	Lynn Marshall, Solicitor
	Wade Jeffery, Acting Director – Municipal Compliance
Recommended by:	Tara Pollitt, Deputy City Manager, Legal Services
	Scott Mathers, Deputy City Manager, Planning and Economic Development

Appendix A – Draft Bylaw

Bill No.

By-Law No.

A by-law to regulate the display of Advocacy Message Signs on City Streets, including Sidewalks.

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 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting the "Health, safety and well-being of persons" as well as by-laws for the "Protection of persons and property", as well as by-laws respecting "Structures, including fences and signs";

AND WHEREAS it is desirable to regulate Advocacy Message Signs located on streets, including sidewalks and boulevards, to balance the need for signage and expression with safety and other public users of City streets;

AND WHEREAS it is desirable to regulate Advocacy Message Signs located on streets, including sidewalks and boulevards to balance the needs of other public users of streets, sidewalks, and boulevards, including pedestrians;

AND WHEREAS it is desirable to regulate Advocacy Message Signs located on streets, including sidewalks and boulevards to promote safety, including reducing distractions for drivers, and maintaining sight lines;

AND WHEREAS placing a sign on a sidewalk or boulevard can impede the flow of pedestrian traffic;

AND WHEREAS Part III of the *Municipal Act, 2001* provides for specific municipal powers with respect to highways;

AND WHEREAS section 63 of the *Municipal Act, 2001* provides that if a municipality passes a by-law for prohibiting or regulating the placing of an object on or near a highway, it may provide for the removal and impounding or restraining and immobilizing of any object placed on or near a highway in contravention of the by-law;

NOW THEREFORE the Council of the City of London enacts as follows:

1.0 Purpose

1.1 The purpose of this By-law is to promote safety on City streets to reduce driver distraction, and to reduce impeding the flow of pedestrian traffic, by regulating the display of non-commercial, portable, temporary "Advocacy Message Signs", otherwise known as protest signs or political signs, that are held, or 'worn' by individuals (as sandwich boards and the like) generally during a protest or demonstration while on City streets, and to prohibit the placing or resting of Advocacy Message Signs on the sidewalk or boulevard.

2.0 Definitions

2.1 In this By-law:

"Advocacy Message Sign" means a non-commercial portable sign that relates to a social or political issue;

"City" means The Corporation of the City of London;

“City Engineer” means the Deputy City Manager, Environment and Infrastructure, or their written designate;

“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 Ontario Traffic Manual – Book 5 Regulatory Signs) or by lines or other markings on the surface thereof; or
- (iii) pedestrian crossovers as defined in the *Highway Traffic Act*, R.S.O 1990, c. H8;

“Enforcement Officer” includes a police officer with the London Police Service, a Municipal By-law Enforcement Officer, and a Municipal Compliance Officer;

“Hold” means entirely supported by an individual, whether by holding by hand or some other means; **“Held”** shall have a corresponding meaning;

“Owner” means the person responsible for the Advocacy Message Sign, including the person who owns it and the person displaying it;

“Roadway” means the portion of a Street which is improved for the travel of motor vehicles;

“Sidewalk” means any municipal walkway or road works for the accommodation of pedestrians on that portion of a Street between the curb line and the Street Line which is located outside a Roadway;

“Street” means a means a highway as defined in the *Municipal Act, 2001*, under the City’s jurisdiction, and includes the Roadway, Sidewalk, boulevard, and any City land between the curb line or edges of the Roadway and Street Line;

“Street Line” means the boundary between the Street and the abutting land.

3.0 Exemptions

3.1 This By-law shall not apply to posters affixed to a poster panel on a designated light standard as set out in the City’s Sign by-law, to election signs, to flyers, nor to handbills.

4.0 Regulations – General

4.1 No person shall Hold an Advocacy Message Sign on a Street except in accordance with this By-law.

4.2 No person shall Hold an Advocacy Message Sign on a Street if it obstructs the free use of the Street.

4.3 No person shall Hold an Advocacy Message Sign on a Roadway except with the express written permission of the City Engineer.

4.4 No person shall place or rest on a Street an Advocacy Message Sign, or any structure that supports an Advocacy Message Sign.

4.5 No person shall leave unattended on a Street an Advocacy Message Sign, or any structure that supports an Advocacy Message Sign.

4.6 No person shall affix to any City property on a Street an Advocacy Message Sign, or any structure that supports an Advocacy Message Sign.

4.7 No person shall Hold an Advocacy Message Sign on a Street that is greater than any one or more of the following dimensions:

- (i) 0.69 square metres (7.5 square feet) in surface area on its face; or
- (ii) 0.76 metre (2.5 feet) in horizontal width; or
- (iii) 0.91 metres (3 feet) in vertical height; or
- (iv) .076 metres (3 inches) in depth.

4.8 (a) No person shall Hold an Advocacy Message Sign within 3 metres (9.84 feet) of a Crosswalk.

(b) Subsection 4.8(a) is not applicable if a person is using the Crosswalk to cross the Street, and the Advocacy Message Sign is not Held in such a manner as to distract drivers, obstruct driver views, or to interfere with use of the Crosswalk by other pedestrians.

5.0 Enforcement

5.1 This By-law may be enforced by an Enforcement Officer.

5.2 No person shall hinder or obstruct or attempt to hinder or obstruct an Enforcement Officer in the discharge of duties under this By-law.

5.3 Removal of Objects Placed on the Street:

(a) An Enforcement Officer may remove, impound, restrain, or immobilize any Advocacy Message Sign or supporting structure placed or resting on the Street in contravention of this By-law.

(b) If there is a person responsible for the Advocacy Message Sign or supporting structure in contravention of this By-law, the Enforcement Officer authorized to cause the removal of the Advocacy Message Sign or supporting structure shall produce appropriate identification and inform the person in charge of the By-law contravention.

(c) If there is a person responsible for the Advocacy Message Sign or supporting structure in contravention of the By-law, the Enforcement Officer authorized to cause the removal of the Advocacy Message Sign or supporting structure shall give a receipt to that person with respect to the removed objects.

(d) All costs and charges for the removal, care and storage of the Advocacy Message Sign or supporting structure are a lien upon them which may be enforced by the City in the manner provided by the *Repair and Storage Liens Act*, as amended.

(e) An Advocacy Message Sign or supporting structure removed shall be stored by the City for a period not less than 60 days, during which 60-day period the person responsible for them may be entitled to redeem them upon producing appropriate identification, upon signing an acknowledgement and release on a required form, and upon payment satisfactory to the City Treasurer of fees and charges for the following:

- (i) a fee for the manual removal of the Advocacy Message Sign or supporting structure;
- (ii) a fee for the removal of an object that cannot be removed manually, plus the cost of any special equipment required for removal;
- (iii) a storage fee per day or part thereof.

(f) An Advocacy Message Sign or supporting structure removed and stored and not claimed by the Owner within 60 days of their removal is the property of the City, and the Advocacy Message Sign or supporting structure may be sold or destroyed, and the proceeds of any sale shall form part of the City's general funds.

5.4 Imperial measurements are provided solely for convenience. In the event of a conflict between the metric and imperial measurements provided in this By-law, the metric measurements shall prevail.

6.0 Offences

- 6.1 Any person who contravenes a provision of this By-law is guilty of an offence and on conviction is liable to a fine of no more than \$10,000 for each offence.
- 6.2 A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence and on conviction is liable to a fine of no more than \$50,000.
- 6.3 Each person who contravenes a provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law, be liable to pay the City an Administrative Monetary Penalty.

7.0 Short Title

- 7.1 This by-law may be referred to as the “Advocacy Message Sign By-law”.

8.0 Force and Effect

- 8.1 This By-law shall come into force and effect on the day it is passed.

PASSED in Open Council on [month][day], 2024, subject to the provisions of PART VI.1 of the Municipal Act, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading -
Second Reading -
Third Reading -

Dear Members of CPSC:

My intention for the CPSC meeting on July 15, is to be present in person, to lend some guidance on the matter of the proposed graphic images by-law, so that any amendments to this proposed by-law can be made between the Meeting of July 15 and the anticipated Council public participation meeting. I will introduce myself and my relativity to the issue, and speak to the documents that I will provide to you.

I have sent you around 13 Victim Impact Statements/Testimonials (letters and consents). They, I believe, give a good cross section of information – personal and vital ideas coming from personal experiences that will assist you in your deliberations on the proposed by-law. Their hope and mine too, is that you will make the decision that this proposed by-law is a bad idea, for the reasons these thirteen individuals have given.

I will send you several other statements/testimonials that did not make it under the time-line due date and hour, and/or didn't provide sufficient information regarding consent.

Please read these 13 statements and the few stragglers. They are important to read and hear.

I reserve my victim impact statement, embedded in my oral and written presentation to you at the appropriate time.

I also will send you some legal documents related to graphic image presentations that were done in various cities in Ontario. These will augment the professional advice you have sought into the legality and constitutionality of the showing/displaying of graphic abortion images.

I do request delegate status and I intend to be present in person at the upcoming CPSC meeting of July 15, 2024, and I give permission for my email to be placed on the public Added Agenda.

Please find attached several victim impact/testimonials. Please overlook their request to be part of the public record because for that privilege they did not meet the due date by my discretion and /or lack of time. However, I include them because they have important information for you to consider.

Please also find attached in my next email several legal documents that I referred to in the above.

Sincerely, John S Bulsza

A Witness Statement

A proclamation from the Lord God:

One day while struggling to choose between pro-choice and pro-life, I threw up my hands to the heavens and asked, where do you want me to stand Lord, I have compassion for both sides? I do not wish to sit on the fence. The Lord responded, "You are my child, everyone is my child and so are the unborn". I then responded, Lord I understand that but it doesn't tell me which side you want me on. The Lord responded, "And nothing else matters." I knew then where to stand because nothing else matters to the Lord except the life of His children. So defending life is where I must stand even if it requires the truth to be known through an image such as the death of an innocent unborn child. You see, any choice we make that deliberately takes away a human life, the Lord condemns. So help us God if we choose anything but the defense of the life of His children.

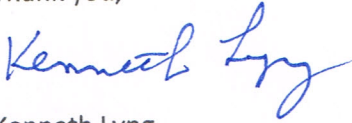
Kenneth Lyng of London, Ontario on April 3, 2024

April 6, 2024

To: Community and Protective Services Committee/City of London Council

I, Kenneth Lyng of London ON, give permission to have my article titled "A Witness Statement" written on April 3, 2024, published as part of the public record in the agenda of the committee mentioned above.

Thank you,

A handwritten signature in blue ink, appearing to read "Kenneth Lyng". The signature is fluid and cursive, with the first name "Kenneth" and the last name "Lyng" clearly distinguishable.

Kenneth Lyng

To: Community and Protective Services Committee and City of London Council

Re: abortion victim photographs being proposed to be banned

Friday June 14, 2024

This is an event I experienced while standing with a photograph of the remains of an aborted child.

I was standing with a small group spread along the public sidewalk on a busy street out in front of a shopping mall in Lindsay, Ontario. A young couple who appeared quite agitated rushed across the parking lot directly to me. The young man seemed confused about the woman's strong reaction.

She started talking very loudly and quickly and I could only stand and listen to her say we shouldn't be there and she hated the pictures. She wore herself out and started crying. I'm sure people passing by thought we had upset her.

As she got tired, she told her story. Sometimes we find that it is easier to tell strangers about issues rather than family and friends. She was upset about a comment her father made just that morning. He had told her that he had wanted her aborted before she was born and that she was a disappointment to him! Her boyfriend and I were speechless for a moment as she poured her heart out to me. All I could think was that she needed to cry and talk because she was hurting so much. Finally, we were able to tell her how beautiful she is and how important she was to her boyfriend and the world. I think she felt some relief as they left. Without the truth event she may have suffered in silence for a long time.

Clayton Connell

To: Community and Protective Services Committee and City of London Council

Re: abortion victim photographs being proposed to be banned

Friday 14, 2024

I give my consent to have my letter be included in the agenda and/or as part of the public record concerning this issue.

Clayton Connell

Re: Letter to London City Hall re. graphic abortion image signs

January 21, 2024

My name is Linda Gibbons and as a post-abortive woman, I stand in defence of graphic abortion signs, to deter other women from abortion, as well as its life-long aftermath.

My child's life at 13 weeks gestation was extinguished at a Toronto hospital, in 1970.

Killing is not a legitimate healthcare service and hospital operating rooms should be for the preservation of life and limb, not the mutilation of tiny pre-born human beings.

I have done graphic-image ministry where women viewing the signs share their negative abortion experiences. We discuss their sorrow and loss. Others speak of their dismay upon learning of a family member or relative hurt by abortion, and unable to get over it.

Your city London, should take note: graphic signs don't hurt – abortion does.

It is better to support a pregnant woman so she can give her child a deserved lifetime.

Yours for life, Linda

Linda Gibbons

1174 Dovercourt Rd.

Toronto ON M6H 2X9

April 9th 2024

To Whom it may concern,

Attention Community and Protective Services Committee and City of London Council,

Re: Letter sent to Mr. John Bulsza regarding display of graphic images

I hereby give permission to publish my letter to John Bulsza.

(letter date of January 21/2024)

Yours respectfully,

Linda Gibbons

To: Community and Protective Services Committee and City of London Council

Re: abortion victim photographs shown in public

Date: June 13, 2024

I am writing this letter in response to the council attempting to create a bylaw banning the public display of abortion victim photography. I am the organiser of a group that has displayed the photos for about 25 years. We present the truth of abortion on public property and start with a warning sign. We have seen a wide range of responses from negative, neutral and positive.

Many people are surprised and their first reaction is angry but if given the chance we talk calmly and listen attentively and they tell us their stories of hurt and regret. Some choose not to stop and talk and that is their right. Young people especially question why they have not been given such vivid information before. The street is our platform and in Canada people have always used the public spaces to educate others on issues. We are grateful to have such freedom. I don't think peoples' negative reactions trump our civil right to freedom to display facts in public.

To keep this letter short, I will just tell one story. In Kitchener Ontario a teenage girl was pregnant and everyone around her said abortion was her best option. Even though she was not settled with it she made an appointment and was on her way to the hospital alone and was waiting for a city bus. We were along the street near the bus stop with the truth photos. She saw the pictures, didn't stop to talk but turned around and did not go to the abortion appointment. After about eight years she contacted us through a pro-life organization telling how close she came to aborting her son and how grateful she was that she saw the pictures before it was too late. She sent pictures of her son with the letter. I think one life saved is worth others' uneasiness to the strategy.

Rosemary Connell

To: Community and Protective Services Committee and City of London Council

Re: Abortion Victim Photography shown in public

I give my consent to have my letter to included in the agenda and/or as part of the public record concerning this issue

Rosemary Connell

June 13, 2024

To: Community and Protective Services Committee and the City of London Council

RE: Proposed bylaw – Abortion photography

June 21, 2024

This is my second submission. I have been involved with the showing of abortion victim photos for many years. In this letter I would like to explain the viewing of the photos by people who have had abortions or have come close to having one.

Because we are strangers many women open their hearts to us about abortion regret. One woman probably in her forties who representative of many who have stopped talked of the pressure to abort a baby when she was 18 years old without any information and offers of support. She never had more children and talked sadly about her sister who refused abortion for her first child now has a family of 8.

On the same day another woman stopped with her daughter who was about 15. She told us that she was “encouraged” to have an abortion but that a kindly doctor showed her the abortion instruments and method and talked about the development of the baby. She immediately refused abortion of the daughter standing with her. What very different stories. One sad and one glowing with pride.

In another situation we were on the sidewalk at a school in Hamilton and had lively opposition and discussions. When the bell rang and the crowd went back into the school after lunch break a female student stayed behind and wiped tears as she talked to me. She said she wasn’t 17 yet but had been forced into aborting 3 children! She said the photos made her sad but she was finally meeting people who understood her grief. There seemed to be some relief as she talked because her parents never talked to her saying everything was over. The hurt was deep down but there for her every day. What a heavy regret for a 17-year-old to carry for life! I gave her a business card with resources to help her cope. She ended the conversation by saying her parents “let her keep” her fourth child because she hid the pregnancy until it was too late for an abortion.

Rosemary Connell

June 21, 2024

I give my consent to have my second letter included in the addenda and /or as part of the public record concerning this issue.

Rosemary Connell

To: Community and Protective Services and City of London Council

Re: Abortion Photos being shown in public

Date: June 29, 2024

I have been informed of a City of London proposal to ban pro-life visual signs based on anti-abortion sentiment. While I agree that these signs may be viewed negatively by a certain side of the population, I believe that there should be extremely stringent measures when limiting freedom of speech. I even doubt that such proposed censoring of free speech is within the realm of a city government. Laws should not be created because of feelings.

A photograph of an aborted fetus is a pathologist's documentation of the remains after an abortion. Having this visual information should be a factor when forming an opinion or making a decision to end the life of a child. How can people make an "informed" opinion or decision without all the facts? What William Wilberforce said about the slave trade applies to the abortion industry also: "You may choose to look the other way but you can never say again that you did not know."

Many post abortive women tell us that they didn't know the development of the baby or the abortion methods used when they had abortions. That is appalling. For someone who has had an abortion we do not "hurt them". The abortion hurt them and no matter how deep she buries the event she is hurt for the rest of her life. Many times, the photos are the beginning to her healing from abortion. Also, I have stood with one of the photos and many people unharmed by abortion yet tell participants that they didn't know the reality of abortion.

Although some people are negative about the strategy many others thank us and take literature about the abortion issue. It will be a sad day in Canada when informing people with facts will be a crime.

Brogan Dow

To: Community and Protective Services Committee and City of London Council

Re: Abortion Victim Photography shown in public

I give my consent to have my letter included in the agenda and/or as part of the public record concerning this issue

Brogan Dow

To: Community and Protective Services and City of London Council

Re: Abortion Photos being shown in public

Date: July 2, 2024

I have seen these pictures in North Bay at the hospital on many occasions. Yes – they are disturbing because killing disturbs people who still have a conscience. They are hard to face as all injustices are in our world. Through history pictures have ended wars and inhumane practices. Here in Canada, they are necessary to show because the medical establishment and government is not truthful with the public. Abortion is a life and death issue and women can't go back and change the outcome afterwards. They should know the truth before a decision to end the life of their children by abortion.

If you disagree with showing the truth through photographs, stop and express your opinion about the reality of what abortion does to the littlest human beings. Does the view make your stomach churn and your conscience feel badly?

Can you look at the photos authenticated by a pathologist and still condone abortion? Face the reality, help stop the slaughter and be on the right side of justice and history. Don't expect the government to silence an opposing viewpoint. Debate and defend your viewpoint - don't demand censorship. Cities have no authority to create by-laws to stop our freedom of speech. If you don't like the message, educate yourself to the issue, help end the slaughter and that will end our need to show the truth to the public.

I like a quote from William Wilberforce -

"You may choose to look the other way but you can never say again that you did not know".

Dan Arcand

To: Community and Protective Services Committee and City of London Council

Re: Abortion Victim Photography shown in public

I give my consent to have my letter included in the agenda and/or as part of the public record concerning this issue

Dan Arcand

To the Community and Protective Services Committee (CPSC) and City of London Council:

July 5, 2024

This letter is to express my concern, as a Canadian, upon being made aware that the Council is considering a proposed by-law that would ban images of babies from public view. Babies – born or pre-born, healthy or injured, living or dead – are part of our reality and, although images of babies injured and killed through abortion are disturbing and saddening, it is the ugly truths that are in greatest need of public attention.

I am surprised that such a by-law was even proposed in the first place, as it is in clear violation of Section 2(b) of The Canadian Charter of Rights and Freedoms, which declares as one of the “Fundamental Freedoms” the “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication”. <https://laws-lois.justice.gc.ca/eng/const/page-12.html> Both the opinion that abortion of a baby is wrong and the expression of that opinion through the media of images are protected by Canada’s Constitution, and no municipal by-law may stand that contravenes that constitutional protection. As a student at York University, I studied -- among other things -- embryology, foetology, and issues in human reproduction and development. I can tell you that, the first time I saw a streetside photographic display of the gore that is abortion, I considered it a triumph of academic freedom. Finally, I thought, we are facing documented reality of what abortion does to a baby in her or his embryonic or foetal stages.

I did not join the protestors on that day, but I have joined others since on other occasions. I have heard people complain that they should not have to face “gross” signs, but the Charter does not recognize a right not to face disturbing messages.

I should say that I have also been thanked on several occasions for displaying images reflecting the reality of abortion. On one occasion, a woman stopped to talk to me because of a photograph of an aborted foetal-stage baby. She explained to me her regret that her baby had been aborted – not because of her choice, but, rather, because her husband had insisted on

an abortion. Evidently, this mother denied of her motherhood wanted someone to talk to and a sign with a mortally wounded baby on it was a sign to her of a sympathetic ear.

I truly hope that London City Council will see fit not to deprive Canadians of their constitutionally protected fundamental rights or of opportunities to learn about and discuss the reality of abortion and its effects on babies, mother, and their families.

Sincerely,

W. R. Myers

To the Community and Protective Services Committee (CPSC) and City of London Council:

I consent to have my letter on the previous page included in any agenda of either party and/or as part of the public record.

To: The Community and Protective Services Committee and City of London Council.

Re: abortion photos shown in public

Date: July 4, 2024

I am writing this letter today to encourage you to vote against the proposed by-law that would ban photographs of prenatal children from public view. Some claim that the public display of abortion victim photography causes harm to people passing by. I too shared the opinion that these graphic photographs of aborted prenatal children would only alienate and disgust the very people who need to see them, i.e., those who think abortion is "the termination of a pregnancy" or that the aborted child is "just a fetus" or "a blob of tissue", but not a tiny human being that has been brutally killed. For many years, my wife was involved with a pro-life group that publicly displayed large graphic photographs of aborted babies. These peaceful witnesses to the truth of abortion were often not welcomed and sometimes subjected to violent counter-protesters.

At the time I was still working as a high school science teacher and discussed abortion when the topic came up during a lesson. I taught my students the scientific truth that human life begins at conception and that abortion is the deliberate killing of a prenatal child to terminate a pregnancy. However, I was shocked to learn that some other science teachers were not teaching the truth about when human life begins or about the reality of abortion. This discovery was made during a very heated discussion that occurred in the science office during a prep period when another science teacher brought up the issue of abortion. How could science teachers deny basic scientific truth? I realized emotions and feelings around this issue can dispel reason.

It was still several years before I joined my wife in publicly displaying photographs of abortion victims. These photographs cut through the rhetoric to show the humanity of the prenatal child and the horrific nature of abortion. Some people will still deny that abortion kills a child despite seeing the truth; they have eyes but cannot see through the veil of their emotions and feelings. The reality is that abortion victim photography saves lives by changing hearts and minds. If you ban the display of these images abortion will remain hidden and the killing will continue. "It's just a fetus!"

I have experienced many different reactions to abortion victim photographs during my 16 years of publicly displaying the visual truth of abortion. Most people are uncomfortable with these images, some cry, some scream obscenities, some thank us, and some tell us about their abortions. Others pretend not to see the victims.

"Having seen all of this, you may choose to turn away, but you can never again say that you did not know." - William Wilberforce, who fought against slavery.

I trust you will affirm our Charter right to freedom of expression and peaceful protest. Some people may feel they were harmed by seeing the photographs of abortion victims, but there is no doubt that every abortion kills a child and harms her mother.

Abortion Victim Photography Saves Lives

<https://youtube.com/playlist?list=PL5iiaqC6YiazWf4kz3PBARgAZKtk1Lgl&si=KuOnIMdMS1-G8vU5>

Thank you for taking the time to read my letter. I would like to have this letter included in the agenda and/or as part of the public record.

Sincerely,

Vince Gedge

To: Community and Protective Services and City of London

Re: Issue of showing abortion victim photography in public

Date: June 24, 2024

I am writing on behalf of Canadians, both born and unborn, to implore you to uphold our rights of free speech and demonstration.

I have personally witnessed many lives being saved and minds changed due to the demonstrations that offer information and supports for pregnant women. Removing Canadians rights to do so, will have devastating effects not only on the lives of the unborn but also on our fundamental rights as Canadian citizens.

As a woman in my 20's, I am very passionate about empowering women and supporting them in whatever stage of life they are in. Abortion tells women they are weak and they aren't able to face life's challenges, or in this case, one of life's biggest blessings. Being able to show women the humanity of what is growing within them is vital to supporting them in their journey of motherhood.

No good will ever or has ever come from putting on restrictions on freedom of speech or promoting a culture of death.

Sincerely,

Teresa Gainey

To: Community and Protective Services Committee and City of London Council

Re: Abortion Victim Photography shown in public

Date: June 24, 2024

I give my consent to have my letter included in the agenda and/or as part of the public record concerning this issue.

Teresa Gainey

A letter to the Community and Protective Services and to the London City Council

From: Shannon Glover

June 14, 2024

I have seen the pictures you are talking about banning and wonder what all the fuss is about. They just show “CHOICE” and, in this day and age, everyone should know what abortion is all about. Why should a level of government get involved in a choice to show the result of such a procedure? People should know the facts before they form an opinion or have an abortion. How can the pictures surprise anyone? If you saw pictures of other surgeries, you would not react in anger.

It is just something you can choose – no more – no less, isn’t it? Stop and talk if you like or just keep going and ignore them. Let them use their freedom of speech on the sidewalk.

Shannon Glover

June 14, 2024

To: Community and Protective Services Committee and City of London Council

Re: Abortion Victim Photography shown in public

I give my consent to have my letter to be included in the agenda and/or as part of the public record concerning this issue.

Shannon Glover

To: Community and Protective Services Committee And City of London Council

June 14, 2024

I have been involved in presenting the visual truth of abortion for over 20 years. We are non-confrontational and follow all safety and legal regulations. For the sake of keeping this letter short, I will tell of just one of the many positive experiences I have encountered.

About 35 people who joined me were standing along a highway in a town along the 401 corridor. Unknown to us, a couple was visiting her grandfather to break the news to him that they had an abortion appointment booked the next week because they had been informed of a fetal disability. The grandfather offered financial and emotional support not to abort. They sadly left without being convinced. On their way back home, they saw the photographs of aborted babies' remains. They called her grandfather 2 hours later and told him they had changed their mind. Their little girl was born about seven months later – perfectly healthy. The grandfather located us and thanked God and our little group for saving his great granddaughter's life.

All our encounters are not so dramatic but I could tell many stories of people who stopped to talk, debate, and take information. In this country, we have the right to interact with the public on the sidewalk. The truth of abortion needs to be shown.

Sincerely, Regina Gedge

To: Community and Protective Services Committee And City of London Council

June 14, 2024

I give my consent that my letter regarding the presentation of the visual truth of abortion, be added to the agenda and/or part of the public record.

Regina Gedge

The Community and Protective Services Committee [CPSC]
and City of London Council.

June 23, 2024

Dear Council Members,

The public has a right to know the truth about the practical horror of abortion. While you personally might believe that such violence is justifiable, it's a tyrannical over-reach of your mandate to pretend that it is the purview of a Municipal Council to censor, limit or curate in any way the truth of ANY behavior that occurs within the city limits; especially when it involves the termination of a human life.

The Federal Government uses pictures to Show the TRUTH about the consequences of smoking tobacco. A picture really is worth 1000 words.

I don't see how it is the CPSC's role to prevent people from being triggered whilst in London. This is an incredibly arrogant and tyrannical view of what "protecting" people actually entails. There are myriad reasons why people might not want to see images of aborted humans, how many of them actually are in need of Municipal protection? By assuming the position that CPSC knows what's best for people and sets out to mandate "protection", the CPSC is also assuming the consequences of their actions if they are proven wrong.

What is the truth of abortion? Dr. Angela Lanfranchi, a gifted breast cancer physician wrote a book with the DeVeber Institute: Complications: Abortion's impact on Women. She and two co-authors interviewed and analysed the results of 100 women who had abortions. In the final chapter of a very worrisome body of results we find,

"Every one of the women who shared her story stated that if she had it to do over again she would go through with the pregnancy, and all but one would counsel others not to have an abortion, no matter how difficult the circumstances."

Is the CPSC prepared to bear the responsibility for harming more women who do not know the truth of abortion nor the range and rate of complications they will suffer afterwards? Is the CPSC so certain of it's expertise and mandate to not only facilitate the continued ignorance of the general public about the truth of abortion but to ban information that could potentially prevent the complications that so frequently follow them. How certain is the CPSC that objections to being shown images of the truth of abortions do not flow simply from feelings of guilt, denial, remorse, political ideology, etc? Is this arena

of consequences where CPSC belongs? A public conversation where the rights of all community members (already protected by laws and bylaws) really needs to take place in the public square.

If the SPSC chooses to protect people who do not want to see images that are objectively truthful rather than protect people who have suffered complications from abortions that they never consented to, the SPSC can, and should, be held accountable for this choice. In making such a choice, the SPSC adds insult to injury to those women who felt coerced into having abortions and, you usurp freedom of speech and association rights on everyone.

While the SPSC's heart may be in the right place, the truth of the matter needs to be fully explored in public and not manipulated by the CPSC, the City of London, nor any level of government who sees an opportunity to signal support for one politically favored group over another.

The Community and Protective Services Committee [CPSC]and June 30, 2024
City of London Council.

Dear public servants:

Please include the accompanying letter in support of showing the reality of abortion on the soonest agenda that can be accommodated. I am the sole author and give my permission for it to be read in public on condition that my address and contact information be kept strictly private. This means sharing my contact information within the sphere of influence of the City of London on any basis other than a "need to know" basis is expressly withheld.

Brian Smith

Lakefield

To CPSC, City of London, ON.

July 8, 2024

For many years I have supported the strategy of showing the public the reality of abortion and have joined the group several times. Although many people do not think there is any positive effect to the action, I was surprised one day when a neighbour of mine in Sturgeons Falls brought up the issue. She saw the group in Sturgeon Falls, Ontario and her reaction was one of anger to the point of stopping to express her opinion in very strong wording.

Several years she found out she was expecting twins and that one twin was taking more nourishment than the other causing one twin to not thrive as much as they should be. Her doctor told her that if she wanted the birth one healthy baby instead of both not thriving that she should abort the one baby. When she went home from that appointment, she said that she could only think back to the signs she had seen years before of what abortion looks like and although she agreed with abortion back then, now she couldn't face doing that to one of her own children from that. Her twins were about a year old when I met her and she could not imagine life without them. So, I ask what is wrong with people seeing the photographs if it might stop them from making a regrettable decision in the future? How can photographic information ever be a mistake especially if it shows the truth of what is happening?

I had a good friend tell me that she had an abortion when she was 17 years old. She says that if she had seen the photos of the aborted babies before she had had one, she would not have gone through with it. She said she wanted to keep the baby but felt that there was no help out there and that she had been led to believe that it was not a baby yet. She is now 43 years old and still thinks about the baby she aborted at 17 and wishes that she hadn't been led to kill him or her.

Letter to the City of London;

I give my consent to have my letters included in the city agenda and as part of the public record."

Erin Moyer

Forwarded message -----

From: Fr. Isaac Longworth [REDACTED]

Date: Wed, Jul 3, 2024 at 12:33 PM

Thank you for the role of leadership that you have on the the Community and Protective Services Committee and the City of London Council. I recognize that you have a crucial task in safeguarding our basic freedoms as Canadians, and today I am asking that you please continue to do so, even on a contentious issue like abortion.

When I was in Grade 10, I was walking down the street with my friends and I saw people holding signs that had large pictures of fetal imagery on them, both before and after an abortion procedure. I remember being very shocked by what I was seeing in public, but it also caused me to really look at my own assumptions about abortion and the reality of it. While it was certainly uncomfortable for me to wrestle with my own thoughts and feelings about the issue - nevertheless I realized that those people who were holding those signs, had caused me to think critically about the whole subject of abortion - and I was honestly glad that they provoked such a response in me. That was 16 years ago, but that memory remains with me to this day.

The reason I share this story, is because I understand that there is a motion calling for restrictions on any leaflets or signage with fetal imagery, targeting the pro-life message in particular. A legal challenge has been launched against as similar by-law in the City of St. Catharines because it violates the Charter - which upholds the most basic freedoms that all of us as Canadians share.

No doubt you are well aware of your responsibility under the Charter to not unjustifiably infringe freedom of expression. That Charter guarantee is designed to promote conversations, even when they're challenging or centered around controversial opinions held by citizens.

Canadian courts have consistently made it very clear that our Charter right to freedom of expression extends to all forms of non-violent expressive activity that conveys meaning. This includes, and I would argue - is most necessary - in the cases of expression that may be offensive or disturbing to some people, and most especially if the message is unpopular. This is so important, because in order for democracy to work well, it's important to have difficult conversations about all manner of things. We have challenging but important conversations on issues like climate change, racism, war and peace. Abortion is another contentious issue that is nonetheless important to be able to discuss in order to promote a truly free and democratic society.

To put it bluntly, this motion seems very dangerous, because it makes me ask the question "Why is the City of London targeting one particular group and one particular message for special restrictions?" This troubles me greatly, because in a democracy, the government should not be stifling speech from one side of a debate on a contentious issue. If this bylaw had been in place when I was in Grade 10, then I would not have had the opportunity to really wrestle with my own opinions about abortion, and I would remain immature in my views on the subject. Seeing those signs as a teenager profoundly impacted me and the way I approach politics today, and I'm so happy that people were there that day sharing their views in this manner. I don't want activists of any persuasion, to be silenced by their governments - and this bylaw that seeks to ban fetal imagery on leaflets and signage seems to do just that.

Many people are helped by hearing the pro-life message. While some people are offended by any expressed opposition to abortion, many people want to be fully informed and appreciate that photos of pre-born children are an important part of a challenging conversation.

With all of this in mind, I want to finish by saying that is crucially important that our government not single out one particular movement and one particular message for special restrictions. Can I count on you to vote against by-laws that place restrictions on freedom of expression that we all have - including pro-life Canadians, who have every right to show pictures of ultrasound images in public in order to convince others of their viewpoint? I certainly think that it is the right thing for you to do.

I give my consent to have this letter included in the Agenda and/or as part of the public record. Thank you for taking the time to read my thoughts on this topic. Please vote against any effort to place restrictions on pro-life speech.

Sincerely Fr. Isaac Longworth, CC

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Scott Mathers, MPA, P.Eng
Deputy City Manager, Planning and Economic Development

Subject: Renovictions: Renovation License and Relocation Bylaw
Changes: Public Comments Received (to date)

Date: July 15, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development,

- (a) the attached report **BE RECEIVED** for information purposes, to summarize the comments received so far from the public regarding proposed amendments to the business licensing by-law to introduce a new license category pertaining to licensing renovation-induced evictions.

it being noted that a public participation meeting is being held July 15, 2024, to receive further comments regarding the proposed by-law,

it being noted that amendments will be brought forward to amend the Business Licensing By-law L.-131-16, the Administrative Monetary Penalties By-law No. A-54 to introduce penalties and amounts to Schedule A-4 pertaining to the and this proposed new license category, and to the Fees and Charges By-law No. A-59 to introduce fees and charges associated with this proposed licence category.

Summary

In June of 2024 Civic Administration submitted a proposed by-law amendment for consideration by Council regarding a Rental Unit Repair Licence. As a result, staff were directed to report back with respect to a Renovation Licence and Relocation by-law.

This information report summarizes the public comments received to date regarding the draft by-law and is intended to accompany the draft by-law at the July 15th Community and Protective Services Committee public participation meeting, being held to gather input regarding the draft by-law.

Using the public input found herein and received up to and including the July 15th public meeting, Civic Administration anticipate that an amendment to the Business Licensing by-law would be presented at the Community and Protective Services Committee Meeting in September and decided on by Council later this year. For reference, the proposed By-law is attached as “**Appendix A**”.

Linkage to the Corporate Strategic Plan

The proposed amendment presented to committee June 10, 2024, is directly linked to the Mission of the City’s 2023-2027 Strategic Plan to improving quality of life and building a strong community through bold, proactive, and accountable City services.

It supports the *Housing and Homelessness* Strategic Area of Focus by demonstrating leadership and building partnerships to increase quality, affordability, and support for tenants. The by-law is intended to keep individuals and families housed and improve their existing living conditions.

Helping tenants understand their rights and, if they choose, to reoccupy renovated units will help keep London affordable and shows we are acting in a supportive way, as articulated in the *‘Wellbeing and Safety’* Strategic Area of Focus in the Plan.

The licensing of this process should foster trust, demonstrate openness and accountability, and make us a leader in public service, which support the Strategic Area of Focus of a *Well-run City*.

Analysis

1.0 Previous Reports and Resolutions Related to this Matter

In January of 2024 Civic Administration was directed to report back to the Community and Protective Services Committee (CPSC) with recommendations on a spectrum of municipal options to limit or prevent renovictions, including but not limited to amendments to or new municipal by-laws, policies, and programs. This report was to consider communications from Mayor Morgan, Deputy Mayor Lewis, Councillor Cuddy, and Councillor Trosow, that were appended to the agendas with respect to including the potential operational value of N12-N13 filing requirements in the report back.

On March 18, 2024, Staff submitted a Renovictions Information Report to the Community and Protective Services Committee which provided information to Council regarding some of the problems facing tenants and how these issues have been and continue to be addressed in Ontario, in British Columbia, and in other parts of the world.

On April 3, 2024, Council Resolved that Civic Administration report back at a future meeting of the Community and Protective Services Committee with respect to a “Renovation License and Relocation by law” (the name of Hamilton’s By-law), it being noted that a public participation meeting would be held prior to the introduction of a new by-law.

On June 10, 2024, Staff provided a draft by-law amendment called a Rental Unit Repair Licence, pertaining to the licensing of renovation-induced evictions, , with a public participation by-law proposed for July 15th, and a by-law to be presented in September of 2024.

On June 25th, 2024, Council proposed an amendment to the Business Licensing by-law L.-131-16, as appended to the staff report dated June 10, 2024, for the purpose of requiring landlords to obtain a licence before requiring vacant possession to repair a under ss. 50(1)(c) of the Residential Tenancies Act, 2006, BE RECEIVED; it being noted that:

- a future public participation meeting will be held July 15, 2024, to receive comments regarding the proposed by-law;
- a future by-law amendment will be brought forward to amend the Administrative Monetary Penalties By-law No. A-54 to introduce penalties and amounts to Schedule A-4 pertaining to the Business Licensing By-law L.-131-16 and this proposed new license category; and,
- a future by-law amendment will be brought forward to amend the Fees and Charges By-law No. A-59 to introduce fees and charges associated with this proposed licence category.

2.0 Summary of Comments

Since June 10th, 2024, Staff have had a modest number of conversations with interested parties and members of the public. The following is a summary of those conversations to date. It is anticipated that much more input will be provided following the advertisement of the public participation meeting in the Londoner, and the launching of a “Get Involved” web page created with the support of Communications Staff to gather more input. This report captures comments received up to and including June 27, 2024, due to administrative requirements related to report submissions and approvals.

By-law Considerations:

- Lack of Alternate Accommodation wording, like Hamilton, is concerning. Must be there for by-law to be effective as without it just makes landlords go through some red tape but is not enough.
- City of London has not provided a rental top-up for displaced tenants who must pay more for their new short-term accommodation until their unit is repaired.
- High fees and not little direct tenant support only deters small landlords. Small landlords need to be protected and helped as they have far fewer resources than large scale landlords.
- Low application fee and high penalties is better than a high application fee.
- Charge a special, very high, price for building permits that are 'cosmetic' and an 'inconvenience to the tenant' such as \$10 000 per unit. Further, evaluate the need and reduce the fee/exempt those renovations are legitimately required for health and safety, verified by a City of London building inspector.
- Increase the fee to stop misuse of N13s.
- Require the licence application/use of N13 to include the original tenant complaint or request for repairs to the landlord. The Landlord must acknowledge receipt of that complaint prior to applying for a Rental Unit Repair Licence or issuing an N13. Otherwise, repair may not be necessary/legitimate.
- Residential Tenancies Act does not require a building permit for a landlord to issue an N13 under subsection (1)(c). Therefore, seven days to make an application after issuing an N13 may not be achievable as building permits take longer than that.
- The Landlord and Tenant Board (LTB) will not issue an order terminating the tenancy and evicting the tenant unless (a landlord) has obtained any permits or other authorizations that are required. If it is not possible to obtain the permits or other authorizations until the unit is vacant, the LTB will not issue an order terminating the tenancy and evicting the tenant unless you can show that you (the landlord) have taken all reasonable steps to obtain the permits or authorizations.
- Despite a future amendment to the Act requiring a report accompanying an N13 eviction (subsection 50(3)(b) of the RTA), there is no certainty as to what qualifications will be prescribed to the person who prepares that report. City asking for it to be prepared by specific professionals under the Building Code Act may not be appropriate.
- Need new and existing tenant information produced by the city and available at many locations in many languages.

Provincial Rules and Queens Park:

- Landlords are aware of the current rules, so (City) needs to change the rules and remove (the Landlord's) advantage until Provincial rules are fixed.
- Illegal use of the N13 will continue until the system is changed. It is being used to frighten tenants unnecessarily where only cosmetic repairs are required. Ontario cities should work together to invalidate the use of the N13 unless a building inspector confirms the need to use it.
- Problem is the vagueness of the (Residential Tenancies) Act which allows "questionable" landlords to force N13 on tenants for cosmetic issues just to try get them to leave the unit, allowing for doubling or tripling the rent on the next tenant.
- Petition Queens Park to require an inspection by a city (building) inspector to use the N13.

General Comments:

- City needs to be aware of the emotional and financial hardship put on tenants by landlords who are using N13s illegally or in bad faith.
- Has there been any proof of "bad faith" evictions at the Tribunal? Have there been any cases?

- Has the City verified the numbers previously provided by Acorn?
- A landlord is not required to compensate a tenant if they have been ordered to demolish or repair a rental unit or complex under any Act. May have implications when Order is issued under Property Standards, which is a section of the Building Code Act.
- Need to review and update the Residential Rental Unit Licensing By-law to include more and larger buildings.
- Need to use application fees, penalties, etc. to fund programs to improve the tenant situation in London more generally. Stop putting the program burden on taxpayers.
- Need to look at the suite of services and funding being provided in Hamilton, and other cities, to help tenants. This is not necessarily a licensing or compliance problem, it's bigger than that and requires a programmatic review.
- We don't need to be worried about the city being sued by the province, we need to be worried about the social fabric of the city falling apart because of bad faith and other eviction tactics that destroy affordable rental housing.

Comments Received:

Name	Position	Communication Date	Method
Wayne Quigg	Tenant	Various	Email & Phone
Michelle Jollymore	Tenant	Various	Email & Phone
Kristen Ley	London Property Management Association Board of Directors	June 17, 2024	Virtual Meeting
Lisa Smith	Executive Director - London Property Management Association	June 17, 2024	Virtual Meeting
Vonica Flear	Lead Organizer - London A.C.O.R.N.	June 20, 2024	Virtual Meeting
Jordan Smith	Volunteer - London A.C.O.R.N.	June 20, 2024	Virtual Meeting
Olivia O'Conner	Lead Organizer - Hamilton A.C.O.R.N.	June 20, 2024	Virtual Meeting

3.0 Financial Impact/Considerations

No changes or updates since June 10th Report/Discussion

4.0 Community Partners and Internal Services

Staff continue to collaborate with internal departments, including Housing Services and Legal Services, to identify service gaps and opportunities. While Municipal Compliance and Licensing play a role in informing and protecting tenants from the impacts of N13 evictions, experience from other cities indicates that a more comprehensive suite of tenant services must accompany by-laws and licensing.

The new staff positions proposed in the June 10th report are intended to meet the requirements of the by-law amendment. These positions will focus on reviewing, integrating, and improving existing processes, including application tracking and statistical analysis, enhancing customer services such as web improvements, creating better information packages, and enforcing new and existing by-laws.

Additionally, relationships with external service providers, such as Neighbourhood Legal Services London and Middlesex, the London Property Management Association, and ACORN, are being leveraged. These partnerships will facilitate discussions about

tenant and landlord needs and, if the by-law is approved, support the creation and distribution of the Tenant and Landlord Information Package, among other materials.

5.0 Next Steps:

A “Get Involved” website has been created and will go live shortly in order to provide the public with background and information pertaining to the proposed licensing by-law. Staff will continue to gather public input up to and including the July 15th public participation meeting at Community and Protective Services, using those comments to inform and shape an amended by-law.

Conclusion

Renting is a vital housing option in London, provincially, nationally, and worldwide, since for many people homeownership has become less attainable.

Following the rules set out in the Residential Tenancies Act appears to have become optional for some landlords who use “bad faith” evictions to get vacant possession of a unit, only to raise the rent.

This report summarizes the comments received to date from various individuals and organizations, as part of the public participation period that commenced following the June 10th report submission.

Following the July 15th Public Participation Meeting at the Community and Protective Services Committee, Staff will use comments received to amend the draft by-law and intend to submit a revised by-law for Council review in September of 2024.

Prepared by:	Ethan Ling, MSc. Policy and Program Analyst, Municipal Compliance
Submitted by:	Nicole Musicco Manager, Licensing, Policy, and Special Operations
Reviewed & Concurred by:	Wade Jeffery Manager, Community Compliance and Animal Services, Municipal Compliance, (Acting) Director, Municipal Compliance
Recommended by:	Scott Mathers, MPA, P. Eng Deputy City Manager, Planning and Economic Development

Appendix “A”

Bill No. XXX
2024

By-law No. _____

A by-law to amend the Business Licensing By-law L.-131-16, with respect to a Rental Unit Repair Licence for Landlords performing renovations or repairs on rental housing units requiring vacant possession.

WHEREAS section 8 of the *Municipal Act, 2001* states that the powers of a municipality 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 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 section 10 of the *Municipal Act, 2001* provides a single-tier municipality with the broad authority to pass by-laws respecting (i) the economic, social and environmental well-being of the municipality, (ii) the health, safety and well-being of persons, (iii) the protection of persons and property and (iv) business licensing;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business and may:

- (1) prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence;
- (2) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (3) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (4) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and,
- (5) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001* applies with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 of the Act as if it were a system of licences with respect to a business;

AND WHEREAS, in accordance with subsection 23.2(4) of the *Municipal Act, 2001*, Council for the City of London is of the opinion that the delegation of the legislative powers under this by-law to the Licence Manager including, without limitation, the power to issue and impose conditions on a licence are powers of a minor nature having regard to the number of people, the size of the geographic area and the time period affected by the exercise of the power;

AND WHEREAS subsection 39(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons,

- (1) for services or activities provided or done by or on behalf of it;
- (2) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- (3) for the use of its property including property under its control.

AND WHEREAS subsections 425(1) and 429(1) of the *Municipal Act, 2001* authorize a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and to establish a system of fines for offences under a by-law;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* provides that a municipality may require a person, subject to such considerations as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that person has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass a by-law providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of a municipality has been complied with;

AND WHEREAS sections 444 and 445 of the *Municipal Act, 2001* provides that municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and do work to correct the contravention;

AND WHEREAS the Province of Ontario has enacted the *Residential Tenancies Act, 2006* and such *Act* states that:

“The purposes of this Act are to provide protection for residential Tenants from unlawful rent increases and unlawful evictions, to establish a framework for the regulation of residential rents, to balance the rights and responsibilities of residential Landlords and Tenants and to provide for the adjudication of disputes and for other processes to informally resolve disputes.”

AND WHEREAS pursuant to subsection 37(1) of the *Residential Tenancies Act, 2006*, a tenancy may be terminated only in accordance with that Act.

AND WHEREAS pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, a Landlord may give notice of termination of a tenancy if the landlord requires possession of the rental unit in order to demolish it, convert it to use for a purpose other than residential premises or do repairs or renovations to it that are so extensive that they require a building permit and vacant possession of the rental unit.

AND WHEREAS subsection 50(3) of the *Residential Tenancies Act, 2006*, requires that the notice of termination given pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, shall inform the tenant that if they wish a right of first refusal to occupy the premises after the repairs or renovations they must give the Landlord notice of this in accordance with Subsection 53(2) before vacating the rental unit;

AND WHEREAS subsections 53(1), 53(2), and 53(3) of the *Residential Tenancies Act, 2006* establish that a tenant who receives notice of termination of a tenancy for the purpose of repairs or renovations pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006*, and that gives the landlord written notice of their intent to occupy the rental unit as a tenant when the repairs or renovations are complete, may reoccupy the rental unit at a rent that is no more than what the Landlord could have lawfully charged if there had been no interruption in the tenant's tenancy;

AND WHEREAS the City of London seeks to regulate, by way of licensing, any landlord who intends to do repairs or renovations to a rental unit that are so extensive that they require vacant possession of the unit;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law L.-131-16 is amended by adding a new Schedule attached to this amending by-law as Schedule 23, after Schedule 22.
2. This amending by-law shall come into force and effect on, [month][day], 202_.

PASSED in Open Council on [month][day], 2024, subject to the provisions of PART VI.1 of the Municipal Act, 2001.

Josh Morgan, Mayor

Michael Schulthess, City Clerk

First, Second and Third Reading - [month][day], 2024.

SCHEDULE 23 – RENTAL UNIT REPAIR LICENCE

1.1 1.0 DEFINITIONS

1.1 Definitions

“Landlord” includes:

- (1) the owner of a rental unit or their agent, and;
- (2) the heirs, assigns, personal representatives, and successors in title of a person referred to in clause (a).

“N13 Notice” means a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*;

“Rental Unit” means a building or part of a building:

- (1) consisting of one or more rooms,
- (2) containing toilet and cooking facilities,
- (3) designed for use as a single housekeeping establishment, and
- (4) used or intended for use as a rented residential premises;

“Residential Tenancies Act, 2006” means the *Residential Tenancies Act, 2006, S.O. 2006 c. 17*; as amended from time to time;

“Tenant” includes a person who pays rent in return for the right to occupy a Rental Unit and includes their heirs, assigns, and personal representatives;

“Tenant and Landlord Information Package” means a document produced by the City which provides information to Tenants about their rights and entitlements under the *Residential Tenancies Act, 2006*, and this Schedule of the Businesses Licensing By-law.

1.2 2.0 POWERS OF THE LICENCE MANAGER

2.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may, under this Schedule:

- (1) prescribe the form and content of the Tenant and Landlord Information Package;
- (2) prescribe the form and content of the notice of application referred to in section 5.7, and the manner in which it is to be posted, and;
- (3) prescribe the form and content of the licence required by this Schedule, and the manner in which it is to be posted, as required in section 5.8.

1.3 3.0 ADMINISTRATION OF THE BY-LAW

3.1 This By-law shall apply to all Rental Units within the Municipality.

3.2 This By-law shall not apply to any of the following:

- (1) a licensed hotel, motel, inn, or bed and breakfast, tourist home, licensed lodging house, licensed short-term accommodation, or licensed residential care facility;
- (2) any building to which any of the following statutes, or their regulations, apply;
 - (1) the *Homes for Special Care Act, R.S.O. 1990, c. H.12*;
 - (2) the *Innkeepers Act, R.S.O. 1990, C. 17*;
 - (3) the *Fixing Long-Term Care Act, 2021, S.O. 2021, c. 39, Sched. 1*;

- (4) the *Retirement Homes Act, 2010*, S.O. 2010, c.11;
- (5) the *Housing Services Act, 2011*, S.O. 2011, c. 6, Sched. 1;
- (6) social housing or affordable housing that is not subject to the *Housing Services Act, 2011*, but which is subject to an agreement with the City, and which has been approved for exemption by the Licence Manager.

1.4 4.0 APPLICATION FOR LICENCE

4.1 In addition to all of the requirements for an application set out in this By-law, an Applicant applying for a Rental Unit Repair Licence, and renewing a Licence, shall include all of the following in their application:

- (1) a copy of the N13 Notice given to the Tenant for that Rental Unit;
- (2) an affidavit from the person who gave the N13 Notice to the Tenant, which sets out the date the N13 Notice was given to the Tenant, the manner it was given to the Tenant, and by whom;
- (3) an affidavit from the person who gave the Tenant a Tenant and Landlord Information Package, setting out the date the Tenant and Landlord Information Package was given to the Tenant, the manner it was given to the Tenant, and by whom;
- (4) a copy of a report prepared by a person licensed in the Province of Ontario as a Professional Engineer or Architect, or by a person who possesses a current, registered Building Code Identification Number (BCIN), that states that the repairs or renovations required for each individual Rental Unit are so extensive that they require vacant possession of the Rental Unit;
- (5) a copy of the building permit issued by the City's Chief Building Official with respect to the repair or renovation of the Rental Unit;
- (6) the address and unit number of the Rental Unit for which the application is being made;
- (7) a copy of the tenancy agreement for the Rental Unit;
- (8) a copy of the written notice (if any) from the Tenant indicating they wish to exercise their right of first refusal to reoccupy the rental unit following the renovations, pursuant to subsection 53(2) of the *Residential Tenancies Act, 2006*, and;
- (9) any other information, affidavits, or documents as the Licence Manager may reasonably require.

1.5 5.0 REGULATIONS

5.1 A Landlord who gives an N13 Notice to a Tenant shall at the same time provide the Tenant a copy of the Tenant and Landlord Information Package.

5.2 A Landlord who has given an N13 Notice to a Tenant shall within seven (7) days of giving the N13 Notice, submit an application to the City for a Rental Unit Repair Licence pursuant to the requirements of this By-law.

5.3 A Landlord shall apply for a Rental Unit Repair Licence for each Rental Unit that requires repairs or renovations under Subsection 50(1)(c) of the *Residential Tenancies Act, 2006*.

5.4 A Rental Unit Repair Licence shall be specific to a single Rental Unit and shall apply only to the Rental Unit for which it was issued. The Rental Unit Repair Licence shall set out on its face the Rental Unit for which it was issued.

5.5 A Landlord shall not be entitled to a Rental Unit Repair Licence if they do not have all necessary permits required to carry out the repair or renovation, including a building permit under the *Building Code Act, 1992*.

5.6 A Landlord shall not be entitled to a Rental Unit Repair Licence if they do not comply with this By-law and Schedule.

5.7 Where a property or premises has more than one Rental Unit the Landlord shall post a notice of application stating that an application has been made to the City of London for a Rental Unit Repair Licence. This notice shall include a list of all of the unit numbers subject to application until such time as the Licences are issued, the applications are withdrawn, or they are refused. This notice shall be posted on the site of the proposed renovation in a location visible to all the tenants of the premises, to the satisfaction of the Licence Manager. Multiple notices may be required, depending on entries and common areas.

5.8 When a Rental Unit Repair Licence is issued by the City of London, the Landlord shall post a copy of the Licence on the door of the unit where the repair is taking place, or on the exterior of the building where the unit is being renovated, to the satisfaction of the of the Licence Manager, until such time as the unit is repaired.

5.9 A licence issued under this By-law shall be valid for either the period of one (1) year or the estimated date by which the Rental Unit is expected to be ready for occupancy following the repairs or renovations, whichever is earlier. If after one (1) year the Rental Unit is not ready for occupancy the Licence will need to be renewed.

1.6 6.0 PROHIBITIONS

6.1 No Landlord who gives an N13 Notice to a Tenant shall fail to give the Tenant, at the same time, a copy of the Tenant and Landlord Information Package.

6.2 No person shall fail to submit an application to the City of London for a Rental Unit Repair Licence within seven (7) days of giving an N13 Notice to a Tenant for a Rental Unit.

6.3 No Landlord shall perform, or cause to be performed, renovations or repairs to a Rental Unit which requires vacant occupancy unless the Landlord holds a Rental Unit Repair Licence for that Rental Unit.

6.4 No person shall perform, or cause to be performed, renovations or repairs to a Rental Unit which requires vacant occupancy unless the person first confirms that the Landlord holds a Rental Unit Repair Licence for that Rental Unit.

6.5 No person who holds a Rental Unit Repair Licence shall fail to comply with the conditions of the issued Licence.

6.6 No Landlord shall fail to post a notice of application as per section 5.7 of this Schedule.

6.7 No Landlord shall fail to post a copy of the Rental Unit Repair Licence as per section 5.8 of this Schedule.

6.8 No person shall advertise, or cause to be advertised, or permit the occupancy of, a Rental Unit while the Tenant has the right of first refusal under the *Residential Tenancies Act, 2006*.



**Neighbourhood
Legal Services**
LONDON AND MIDDLESEX

July 12, 2024

Community and Protective Services Committee
City of London
300 Dufferin Ave
London ON N6B 1Z2

By email cpsc@london.ca

**RE: Submission on Proposed Renoviction License and Relocation
Bylaw Changes/Schedule 23 Rental Unit Repair Licence**

Neighbourhood Legal Services (London & Middlesex) Inc. is a poverty law clinic assisting low income Ontarians with legal issues in the areas of social assistance, housing, and employment law. Our mandate is to offer legal services to provide for the basic needs of food and shelter. As such, we are very in touch with the needs of the low income population in London & Middlesex.

We are writing to express our strong support for the proposed Renoviction License and Relocation Bylaw as outlined in the report to CAPS dated June 10, 2024 from the Deputy City Manager of Planning and Economic Development.

Based on our legal expertise and experiences with the clients we serve in London, we wish to make the following submissions which we hope will be helpful to CAPS, and the City, as they consider this matter.

1. **Jurisdiction:** We submit that the proposed bylaw is within the City's jurisdiction to enact and is in keeping with London's oversight and involvement in redevelopment, renovation and demolition. The City has the jurisdiction to create policies and bylaws which preserve the City's

rental housing stock [*City of Toronto v. Goldlist Properties Inc.* (2003), 67 O.R. (3d) 441, 2003 CanLII 50084 (C.A.)]. The City also has the power to make bylaws in respect of (a) the health, safety and well-being of persons; (b) the protection of persons and property including consumer protection; and, (c) the economic, social and environmental well-being of the City (*Municipal Act*, sections 8, 10(2) and 11(2)). In fact other Cities, such as Hamilton and Toronto, have determined Renoviction bylaws to be within the City's jurisdiction.

Provided that any bylaws dealing with these matters do not make it impossible to comply with the *Residential Tenancies Act* (RTA) and do not frustrate the RTA's purpose (and do not conflict with any other Act or Regulation), it is permissible for the City to supplement the tenant protections that exist under provincial law, given all of the above.

2. **Report from a Qualified Professional, 4.1 (d):** We submit that this should be broadened to provide that the report not only confirms vacant possession is necessary, but also contains timelines for work, and specific information about a proposed date for the tenant to return, which we believe can often be at some point before the work is complete. That is, the report should confirm at what point in the work is vacant possession is no longer necessary and the tenant can return. This is essential in the case of this bylaw which does not require the landlord to relocate the tenant at the same rent, or provide the difference in rent where the tenant is temporarily paying more rent elsewhere.
3. **Regular Inspections:** We submit that the bylaw should ensure that the City does regular inspections during the work to verify that the work is being done and it is a renoviction in good faith. Where there are significant delays due to materials etc., we submit that the City should exercise its powers to require further affidavits (per 4.1(i)).
4. **Need for Regular Updates to Tenants:** We submit that the bylaw should require that the landlord provide regular (monthly) updates to the tenant as to the status of the work and timelines for a proposed return to the unit. Where there is an unavoidable delay, the affidavit evidence per 3. above should be provided to the tenant.

5. **Hamilton Bylaw – Relocation or Pay difference In Accommodation**

Costs: The City should consider adding a requirement that the landlord relocate the tenant to a similar unit where possible and at the same rent, or that it pay the tenant compensation where the amount of compensation under the RTA will not adequately cover the difference in rent for where the tenant temporarily resides.

6. **Application to All Units (3.1) and License Unit by Unit basis (5.4):**

We strongly support this element of the draft bylaw. Given that the bylaw is not to punish landlords acting in good faith, and instead only to manage the issue of bad actors/landlords, this is essential. It is often smaller landlords and single unit landlords where we see bad faith renovictions. It is important to tie a licence to a single unit even if that unit is within a multi-complex – justification on a unit by unit basis will be important as different renovations and circumstances of each unit affect whether or not a tenant needs to leave and when they can return. The work may also not move at the same pace for all units, and a goal is to get tenants back in whenever and wherever possible, and where they have chosen to exercise their right of first refusal under the RTA.

7. **Tenant and Landlord Information Package (2.1(a) and 5.1):** We submit that the package should include precedent letters re exercising right of first refusal. It also needs to contain information about the proposed application for the renovation licence and a contact person at the City for inquiries and follow up. This is necessary as the Landlord is, under the proposed bylaw, only required to apply for the licence after issuing the N13 and information package. We also strongly support section 4.1 (c) in the draft which requires a landlord to swear and provide an affidavit that they have provided the Information Package to the tenant directly. This will be crucial to ensure only goodfaith renovictions.

8. **Enforceability:** As we know, any law, regulation or bylaw is only as good as its enforcement measures and resources. We submit and urge the City to ensure staffing and fines that allow for proper enforcement of the bylaw, and fines etc. that sufficiently act as a deterrence for bad actors.

Thank you for allowing us this opportunity to provide input into the draft renovation bylaw. We commend the City on this important work and their commitment to protecting affordable housing stock and supporting their low income population wherever possible.

We are available at any time should you require additional information or input.

Yours very truly,



Kristina M. Pagniello
Executive Director and Lawyer

Michael Laliberte
Senior Staff Lawyer

City Clerks Office – Please consider this my approval to post this E Mail response as part of the Public Record to the CPSC Meeting Monday July 15th with respect to Item # 3.1 Renovictions By Law . Please distribute to CPSC – Chair & Members prior to the meeting without any further approval required.

Chair – D Ferreira – CPSC Members - PLease accept this E – Mail as both your taxpayer / your customer and an long time owner occupied duplex that is also my house & residence ;

1. Feedback – Keep It Simple – I’m completely gop- smacked by the July 4 th “ Public Notice “ (very few of those anymore) on this July 15 CPSC meeting to add red tape and City of London Admin – By Law costs to insert themselves in an already tightly controls provincial N – 13 process. This is the 1st I haven’t heard of any of this !! I am not available to come to Mondays Meeting.

2. Comment & Feedback on Report your reviewing - This is extremely “ thin soup “ with respect **to actual feedback** from landlords of all categories , both us little guys that required Licenses & Major Building Landlords that don’t . That should be a huge red flag to this CPSC Committee .

3. Under no circumstances should I be asked for feedback under the umbrella of “ GET INVOLVED LONDON “ or even this MTG , until I have the actual proposed

>>> City of clear draft bylaw related specifically to this N – 13 Reno issue

>>. **Of even higher priority** , a flow chart of the step by **process** of the activities and responsibilities of all the partners in this process (Landlord / tenant / City of London by-law & permitting teams ETC) with a time line. Unless you can complete this in within a 24 hour turn around , its unless . **With the City of London the process is always the challenge especially on – line tools.**

>> Tell me what the **\$\$\$ costs** are ; to who these costs are allocated and Why I should be responsible for this new red tape ?? There is zero in this report on that .

>> I see nothing here that specifically indicates that I don’t need this proposed new license or part of the process for any empty unit already off the market or being converted to a new housing unit ?? That’s what building permits are for not new licenses fees or both .

Under no circumstances should this initiative move forward to full Council until these details are served up to **ALL LANDLORDS WITH ARARTMENT LICENSES** , you have are E – Mail addresses and you have not reached out to us (yes I talked to a few that are similarly surprised this is even being considered) . You will see a huge increase in feedback & response then and suggestions going forward .

THXS For your Consideration – Chris Butler – 863 Waterloo St – Sams Ward



LONDON DEVELOPMENT INSTITUTE

July 12, 2024

Chair and Members of Community and Protection Services Committee
City of London

RE: Agenda Item 3.1

Public Participation Meeting: Renovations License and Relocation Bylaws Changes: Public
Comments Received

Dear Chair and Committee Members

On behalf of the members of the London Development Institute (LDI) we are submitting the following points regarding the potential of a new license category pertaining to the licensing renovation-induced evictions.

1. The problem of unethical rental property owners using the N13 process to illegitimately evict tenants is an issue that should be tackled through improvements to the Residential Tenancy Act and its enforcement. We recognize this has been a legitimate problem across the province including a recent case in London.
2. The vast, vast majority of rental property owners in London have followed the correct procedures and process in balancing the need for renovations of their properties and the rights of their tenants. Our concern is any future licensing regime may inadvertently affect the required renovation process by rental property owners to insure the long-term maintenance, security and livability of their rental units for their tenants.
3. The annual estimate of over \$500,000 to create and maintain the new license regime is significant. We suggest the City look to other opportunities to improve support to tenants at the local level and tackle the renovictions issue through advocacy efforts at Queen's Park. To assume unscrupulous rental property owners, that have skirted the requirements of the N13 process, will now follow the rules and regulations because of a City license may be wishful thinking.



LONDON DEVELOPMENT INSTITUTE

4. If the City decides to proceed with a license, we suggest that any fee to obtain a license to renovate be kept to a minimum and that the fines for violating the license be the deterrent. In addition, any license process needs to align with the actual process and timing of the issuance of building permits in London to be implementable.
5. LDI reserves the right to comment further if the City of London proceeds with a Renovation License and Relocation By-law and any subsequent amendments to the Business Licensing By-law and the Administrative Monetary Penalties By-law.

Thank you for receiving our comments as part of the public participation meeting regarding the potential new renovation license.

Sincerely,

A handwritten signature in black ink that reads 'Mike Wallace'. The signature is fluid and cursive, with the first name 'Mike' and last name 'Wallace' clearly distinguishable.

Mike Wallace
Executive Director

July 9, 2024

Attention: Community and Protective Services Committee

RE: Business Licensing By-law L.-131-16 to introduce a Rental Unit Repair Licence

I am a property manager of 30 years in the City of London working with larger stakeholders over the years. I wanted to voice my concerns and question a few areas of the proposed Rental Unit Repair Licence.

1. Why is this new license even required. For a landlord to file a N13 (termination of tenancy for demolition or renovation) the landlord is required to show the Landlord and Tenant Board they have taken the appropriate steps in obtaining a permit and drawings. This is a requirement already under the RTA for the N13 to be valid.
2. Confused on the staffing requirement set out in the staff report that totals \$580,000. How do you justify spending more than half a million dollars of tax payers money for a program/license that isn't even a large enough issue in London . The new license fee would not cover even 1% of the staff costs.
3. I understand there are some shady landlords out there that try to skirt the system however the tenants have rights and they can fight those landlords at the LTB. The laws are in place to protect both the tenant and the landlord. To say there are ways around the laws is not proven and unjustifiable.
4. In the staff report there is mention of having information available to tenants and landlords on their rights. This would be an inexpensive tool if the literature is available on line or paper copy. Why not just have education as the key to the problem. Or provide free legal service to tenants with question?

Additional questions that I will be asking at the PPM on July 15th :

1. For the BRT program (Wellington Gateway specifically) the City of London had to demolish 34 single dwelling homes to date. Were any of those homes rentals? Were any of the tenants required to vacant? Were N13s given?
2. As well for the BRT program the City of London has requested to expropriate a portion of land that includes 57 & 63 Wellington – 2- 3 story ups. Are those buildings being demolished? Are N13s being given to the tenants?

3. Will the redevelopment of London's city hall campus affect the apartments at the Centennial House building next door which include 162 units? Will those tenants be given an N13?
4. How can you fault N13s for the housing issues in London when our own City is displacing tenant for a bus system and expanding City Hall.

Why is this licence even needed when the N13 procedures and laws are in place already through the Residential Tenancy Act and the Landlord and Tenant Board.

Thank you for taking the time to consider my submission.

Lisa Smith

Lisa Smith
Senior Property Manager
Norquay Property Management



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

London
CANADA

May 28, 2024

That the following actions be taken with respect to the City-operated Long Term Care Facility (Dearness Home):

- a) Civic Administration BE DIRECTED to explore options for expanding the facility capacity of the Dearness Home for consideration to be included the Mayor's 2028-2031 Multi-Year Budget;
- b) Civic Administration BE DIRECTED to present a report on potential expansion options to accommodate more residents to the Dearness Home Committee of Management prior to the Mayor preparing their 2028-2031 Multi-Year Budget.

Sincerely,



Hadleigh McAlister
Ward 1 Councillor
City of London



David Ferreira
Ward 13 Councillor
City of London