



Council Agenda Including Addeds

16th Meeting of City Council
September 18, 2018, 4:00 PM
Council Chambers

The City of London is committed to making every effort to provide alternate formats and communication supports for Council, Standing or Advisory Committee meetings and information, upon request. To make a request for any City service, please contact accessibility@london.ca or 519-661-2489 ext. 2425.

The Council will break for dinner at approximately 6:30 PM, as required.

Pages

1. Disclosures of Pecuniary Interest

2. Recognitions

- 2.1 6:20 p.m. Recognition of City of London Employees who have achieved 25 years of service during 2018:

From City Manager's Office: Lorelei Fisher

From London Police Service: Lynn Heinitz, David Poustie, Douglas Schmidt, Stephen Stokan, Frank Torres

From Development and Compliance Services: Sean McHugh, Jay Zendrowski

From Environmental and Engineering Services: Randy Bartholomew, Wanda Clarke, Carol Hayward, Michael John Wemyss, Ryan Williams

From Finance and Corporate Services: John Devito, Mike Lawlis, Carrie Lynn McKaig, Debby Sedge

From Housing, Social Services and Dearness Home: Lynn-Marie Birkby, Angela Brock, Freedom Burgess, Robert Chatterson, Debbie Clymans, Susan Deane, Sherry Dixon-Evans, Jennifer Downie, Marcela D-Morvai, Steven Holland, Susie Izmirian, Sheri Jones, Martina Kaiser, Monique Lalonde, Mona Lang, Jen Poirier, Andrea Pounder, Janet Robertson, Terri Robertson, Bhagat (Bob) Singh, Agata Sokalski, Ewa Supinski, Anna Swirski, Witold Swirski, Wiesława Wachowiak, Marilyn Wahl, Robert Walsh, Victoria E. M. Webster, Kellie Williams, Dorota Wojnas, Danuta Zurawski

From Human Resources and Corporate Services: Allison Snyder

From Legal and Corporate Services: Les Hutton, Christine Szela

From Neighbourhood, Children and Fire Services: Brian Aziz, Tracy Bradt, Robert Brickman, Todd Broomhead, J. Wayne Brown, John Mark Charlton, Robert Cosens, David Glenn Cowdrey, Gerard Decloux, William R. Flinn, Shawn Hannon, David Hatfield, Jim Howell, Dan Hunter, Robert P. Hunter, Jeff Johnston, Brad Judd, Brad Killeleagh, Phillip King, Wes Kirk, Frederick Lane, Derrick Martin, Tim Masterson, Jeff May, Scott

Millson, Steve Phelps, Ron Prince, Steve Prior, Todd Rannie, Michael M. Scratch, Gordon H. Smith, Bradley James Tanner, Daryl Thompson, Gregory Peter Tomczyk, David Varga, Robert Warren, Gowyn Wilcox, Timothy Wilson

From Parks and Recreation Services: Bruce Matthews

3. Review of Confidential Matters to be Considered in Public

4. Council, In Closed Session

Motion for Council, In Closed Session (Council will remain In Closed Session until approximately 5:15 PM, at which time Council will rise and reconvene in Public Session; Council may resume In Closed Session later in the meeting, if required.)

4.1 Solicitor-Client Privileged Advice/Land Acquisition

A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a lease amendment; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed lease amendment; commercial and financial information supplied in confidence pertaining to the proposed lease amendment, the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed lease amendment whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed lease amendment whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed lease amendment. (6.1/16/CSC)

4.2 Land Acquisition/Solicitor-Client Privileged Advice

matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition of land; commercial and financial information supplied in confidence pertaining to the proposed acquisition the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value;

information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition.

(6.2/16/CSC)

4.3 Security of Property

A matter pertaining to the security of the property of the municipality, including advice, recommendations and communications of officers and employees of the Corporation. (6.3/16/CSC)

4.4 Identifiable Individual/Litigation/Potential Litigation/Solicitor-Client Privileged Advice

A matter pertaining to an identifiable individual; employment-related matters; litigation or potential litigation affecting the municipality; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; advice or recommendations of officers and employees of the Corporation, including communications necessary for that purpose and for the purpose of providing instructions and directions to officers and employees of the Corporation. (6.4/16/CSC)

4.5 Litigation/Potential Litigation/Solicitor-Client Privileged Advice

A matter pertaining to litigation with respect to the partial expropriation of property located at 4501 Dingman Drive, including matters before administrative tribunals, affecting the municipality or local board, and specifically OMB File No. LC 130020; advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with the expropriation of property located at 4501 Dingman Drive; and directions and instructions to officers and employees or agents of the municipality regarding settlement negotiations and conduct of litigation in connection with the expropriation of a property located at 4501 Dingman Drive. (6.5/16/CSC)

4.6 Solicitor - Client Privileged Advice

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and giving directions or instructions to the solicitors, officers or employees of the municipality in connection with such advice relating to the Vehicle for Hire By-law L.-130-71. (6.1/13/CPSC)

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

5.1 15th Meeting held on August 28, 2018

8

6. Communications and Petitions

6.1 *(ADDED) Reinstatement of Demolition Control By-law*

(Refer to the Planning and Environment Committee Stage for Consideration with Clause 4.3 of the 14th Report of the Planning and Environment Committee)

1. *J. Grainger, ACO London*

75

	2. <i>S. Trosow, 43 Mayfair Drive</i>	79
6.2	<i>(ADDED) S. Trosow, 43 Mayfair Drive - 147-149 Wellington Street - 253 and 257 Grey Street (Z-8905)</i>	80
	(Refer to the Planning and Environment Committee Stage for Consideration with Clause 3.2 of the 14th Report of the Planning and Environment Committee)	
6.3	<i>(ADDED) Vehicle for Hire By-law</i>	
	(Refer to the Community and Protective Services Committee Stage for Consideration with Clause 3.1 of the 13th Report of the Community and Protective Services Committee)	
	1. <i>Councillor van Holst</i>	82
	2. <i>I. Omer, U-Need-A-Cab, H. Savehilaghi, Yellow London Taxi, K. Tarhuni, Green Taxi and N. Abbasey, Your Taxi.london</i>	83
	(Note: A petition with approximately with 327 signatures is available to view in the City Clerk's Office)	
7.	Motions of Which Notice is Given	
8.	Reports	
8.1	16th Report of the Corporate Services Committee	87
	1. Disclosures of Pecuniary Interest	
	2. (2.1) Access and Privacy Policy (Relates to Bill No. 548)	
	3. (3.1) Annual Meeting Calendar	
	4. (4.1) Request of a Vehicle Donation to ReForest London	
8.2	14th Report of the Planning and Environment Committee	91
	1. Disclosures of Pecuniary Interest	
	2. (2.1) List of Approved Tree Species	
	3. (2.2) Passage of Heritage Designating By-law for 660 Sunningdale Road East (Relates to Bill No. 549)	
	4. (2.3) Passage of Heritage Designating By-law for 2096 Wonderland Road (Relates to Bill No. 550)	
	5. (2.4) Application - 1245 Michael Street (Blocks 1-5, Plan 33M-745) (P-8858)	
	6. (2.6) City Services Reserve Fund Claimable Works for the SS15A Southwest Area Trunk Sewer	
	7. (2.7) Application - 1835 Shore Road (H-8890) (Relates to Bill No. 560)	
	8. (2.8) 3105 Bostwick Road - Talbot Village Subdivision - Phase 6	
	9. (2.9) Building Division Monthly Report for July 2018	

10. (2.5) Application - 89 York Street (H-8861)
11. (3.1) Swimming Pool Fence By-law Amendments - City Initiated (Relates to Bill No. 551)
12. (3.2) 147-149 Wellington Street - 253 and 257 Grey Street (Z-8905)
13. (3.3) Application - 1196 Sunningdale Road West - Zoning By-law Amendment (Z-8916) (Relates to Bill No. 561)
14. (3.4) 3493 Colonel Talbot Road (Z-8922) (Relates to Bill No. 562)
15. (3.5) Application for Draft Plan of Vacant Land Condominium Zoning By-law Amendment - 459 Hale Street (39-CD-18503/Z-8886) (Relates to Bill No. 563)
16. (4.1) 9th Report of the Environmental and Ecological Planning Advisory Committee
17. (4.2) The City of London Boulevard Tree Protection By-law Amendments
18. (4.3) Reinstatement of Demolition Control By-law
19. (5.1) Deferred Matters List

8.3 13th Report of the Community and Protective Services Committee

123

1. Disclosures of Pecuniary Interest
2. (2.1) Contract Award - Tender No. T18-83 – Vehicle Hoist for Apparatus Repair Bay - Irregular Result
3. (3.1) Vehicle for Hire By-law
4. (4.1) Parking Permit - Overnight Parking for Health Care Workers
5. (4.2) Request for Delegation Status - A. Oudshoorn - London Homeless Coalition Update
6. (5.1) Deferred Matters List

9. Added Reports

9.1 16th Report of Council in Closed Session

10. Deferred Matters

11. Enquiries

12. Emergent Motions

13. By-laws

By-laws to be read a first, second and third time:

13.1 Bill No. 546 By-law No. A.- ____ - ____

141

	A by-law to confirm the proceeding of the Council Meeting held on the 18th day of September, 2018. (City Clerk)	
13.2	Bill No. 548 By-law No. CPOL.- _____ A by-law to adopt a new Council policy entitled "Access and Privacy Policy". (2.1/16/CSC)	142
13.3	Bill No. 549 By-law No. L.S.P.- _____ - ____ A by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest. (2.2/14/PEC)	163
13.4	Bill No. 550 By-law No. L.S.P.- _____ - ____ A by-law to designate 2096 Wonderland Road North to be of cultural heritage value or interest. (2.3/14/PEC)	167
13.5	Bill No. 551 By-law No. PS.-5-18 _____ A By-law to amend By-law PS-5 entitled "A by-law to provide for the owners of privately-owned outdoor swimming pools to erect and maintain fences." (3.1/14/PEC)	169
13.6	Bill No. 552 By-law No. PS.-113-18 _____ A by-law to amend By-law PS-113 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London." (2.2/12/CWC)	171
13.7	Bill No. 553 By-law No. S.- _____ - ____ A by-law to assume certain works and services in the City of London. (Tennent Subdivision - 33M-668) (Chief Surveyor)	178
13.8	Bill No. 554 By-law No. S.- _____ - ____ A by-law to assume certain works and services in the City of London. (Claybar Subdivision - Phase 1, Stage 1) (Chief Surveyor)	179
13.9	Bill No. 555 By-law No. S.- _____ - ____ A by-law to assume certain works and services in the City of London. (Claybar Subdivision - Phase 2) (Chief Surveyor)	180
13.10	Bill No. 556 By-law No. S.- _____ - ____ A by-law to assume certain works and services in the City of London. (Claybar Subdivision - Phase 3, Stage 1) (Chief Surveyor)	181
13.11	Bill No. 557 By-law No. S.- _____ - ____ A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Kleinburg Drive). (Chief Surveyor - for the purpose of unobstructed legal access throughout the subdivision)	182
13.12	Bill No. 558 By-law No. S.- _____ - ____ A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Whetter Avenue, west of Thompson Road) (Chief Surveyor - pursuant to Consent B.044-14)	184

13.13	Bill No. 560 By-law No. Z.-1-18_____	186
	A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1835 Shore Road. (2.7/14/PEC)	
13.14	Bill No. 561 By-law No. Z.-1-18_____	188
	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1196 Sunningdale Road West. (3.3/14/PEC)	
13.15	Bill No. 562 By-law No. Z.-1-18_____	191
	A by-law to amend By-law No. Z.-1 to rezone properties located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle. (3.4/14/PEC)	
13.16	Bill No. 563 By-law No. Z.-1-18_____	194
	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 459 Hale Street. (3.5/14/PEC)	

14. Adjournment



Council Minutes

15th Meeting of City Council
August 28, 2018, 4:00 PM

Present: Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, J. Zaifman
Absent: B. Armstrong
Also Present: M. Hayward, A. Anderson, B. Card, I. Collins, B. Coxhead, S. Datars Bere, P. Foto, G. Kotsifas, L. Loubert, D. O'Brien, M. Ribera, K. Scherr, M. Schulthess, E. Skalski, C. Smith, M. Tomazincic, B. Warner and B. Westlake-Power.

The meeting is called to order at 4:05 PM.

1. Disclosures of Pecuniary Interest

Councillor T. Park discloses a pecuniary interest in clause 3.4 of the 13th Report of the Planning and Environment Committee, having to do with the property located at 391 South Street, and the related Bill No. 541 by indicating that her family owns property in the area. Councillor T. Park also discloses a pecuniary interest in clauses 2 and 3 of the 15th Report of the Council in Closed Session, having to do with properties located at 32 and 34 Wellington Street, respectively, and the related Bill No.'s 542 and 543, by indicating that her family owns property in the area.

Councillor S. Turner discloses a pecuniary interest in clauses 2 and 3 of the 15th Report of the Council in Closed Session, having to do with properties located at 32 and 34 Wellington Street, respectively, and the related Bill No.'s 542 and 543, by indicating that his family owns property within 500 m of the subject properties.

Councillor V. Ridley discloses a pecuniary interest in clauses 2 and 3 of the 15th Report of the Council in Closed Session, having to do with properties located at 32 and 34 Wellington Street, respectively, and the related Bill No.'s 542 and 543, by indicating that her family owns property in the area.

2. Recognitions

His Worship the Mayor, on behalf of Council, presents the 2018 Queen Elizabeth Scholarships to Kai Sun, from A.B. Lucas Secondary School (average 98.50%) and Robert Nadal from Sir Wilfrid Laurier Secondary School (average 98.17%)

3. Review of Confidential Matters to be Considered in Public

None.

4. Council, In Closed Session

Motion made by: T. Park
Seconded by: H. Usher

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

4.1 Land Disposition/Solicitor-Client Privileged Advice

A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a proposed disposition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed disposition of land; commercial and

financial information supplied in confidence pertaining to the proposed disposition the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed disposition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed disposition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed disposition. (6.1/15/CSC)

4.2 Land Disposition/Solicitor-Client Privileged Advice

A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition of land; commercial and financial information supplied in confidence pertaining to the proposed acquisition the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition. (6.2/15/CSC)

4.3 Land Disposition/Solicitor-Client Privileged Advice

A matter to be considered for the purpose of instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition of land; commercial and financial information supplied in confidence pertaining to the proposed acquisition the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition. (6.3/15/CSC)

4.4 Labour Relations/Employee Negotiations/Solicitor-Client Privileged Advice

A matter pertaining to reports, advice and recommendations of officers and employees of the Corporation concerning labour relations and employee negotiations in regard to one of the Corporation's unions and advice which is subject to solicitor client privilege and communications necessary for that purpose and for the purpose of providing directions to officers and employees of the Corporation. (6.4/15/CSC)

4.5 Labour Relations/Employee Negotiations/Litigation/Potential Litigation/Solicitor-Client Privileged Advice/Personal Matters/Identifiable Individual

A matter pertaining to reports, advice and recommendations of officers and employees of the Corporation concerning labour relations and employee negotiations in regards to the Corporation's associations and unions, and litigation or potential litigation affecting the municipality, and advice which is subject to solicitor client privilege, including communications necessary for that purpose; and a matter pertaining personal matters about an identifiable individual; litigation or potential litigation affecting the municipality; advice that is subject to solicitor-client privilege, including communications, reports, advice or recommendations of officers and employees of the Corporation necessary for that purpose and directions to officers and employees of the Corporation pertaining to by-law enforcement matters with respect to the City's Vehicle for Hire By-law L.-130-71. (6.5/15/CSC)

4.6 Solicitor-Client Privilege/Litigation/Potential Litigation

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Local Planning Appeal Tribunal, and for the purpose of providing instructions and directions to officers and employees of the Corporation. (6.1/13/PEC)

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

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

5.1 14th Meeting held on July 24, 2018

Motion made by: M. Cassidy

Seconded by: M. Salih

That the Minutes of the 14th Meeting held on July 24, 2018, BE APPROVED.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

6. Communications and Petitions

Motion made by: T. Park
Seconded by: A. Hopkins

That the communication, having to do with a proposed by-law amendment to By-law PH-3, BE REFERRED as noted on the Agenda.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

7. Motions of Which Notice is Given

None.

8. Reports

8.1 12th Report of the Community and Protective Services Committee

Motion made by: M. Cassidy

That the 12th Report of the Community and Protective Services Committee BE APPROVED.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: M. Cassidy

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) Age Friendly London Progress Report 2018

Motion made by: M. Cassidy

That it BE NOTED that the staff report dated August 14, 2018, with respect to the Age Friendly London Progress Report 2018, was received. (2018-S12)

Motion Passed

3. (3.1) London and Middlesex Housing Corporation Board of Directors

Motion made by: M. Cassidy

That the delegation from J. Peaire, with respect to the London and Middlesex Housing Corporation Board of Directors, BE RECEIVED. (2018-C12)

Motion Passed

4. (3.2) 7th Report of the Accessibility Advisory Committee

Motion made by: M. Cassidy

That the following actions be taken with respect to the 7th Report of the Accessibility Advisory Committee from its meeting held on July 26, 2018:

a) the motion from the Policy Sub-Committee report, from the meeting held on July 10, 2018, with respect to Municipal Council being requested to fully endorse the Outdoor Event Guide, in its entirety, and require that all events held on city-owned land be required to implement all points BE REFERRED to the Civic Administration for review and a report back to the Community and Protective Services Committee in enough time for possible implementation prior to the next events season;

b) that the following actions be taken with respect to the Built Environment Sub-Committee report from its meeting held on July 23, 2018:

i) the Civic Administration BE REQUESTED to update the Complete Streets Design Manual to include the Accessibility Advisory Committee (ACCAC), the Transportation Advisory Committee and the Cycling Advisory Committee in the stakeholder map; and,

ii) the Civic Administration BE ADVISED of the following comments from the ACCAC with respect to the Parks and Recreation Master Plan:

- there should be more accessible programming through partnerships with other community agencies provided;
- there should be consistency and persistence when providing programming; it being noted that it may take time to build up a clientele and will require advertising throughout the community;
- the Master Plan should include the Facility Accessibility Design Standards (FADS) in the list of council-endorsed/approved initiatives; and,
- it should be ensured that all parks and recreation facilities are included in the FADS document;

it being noted that the remainder of the Built Sub-Committee report was received;

c) the Civic Administration BE ADVISED that the Accessibility Advisory Committee (ACCAC) supports, in principle, the idea of issuing wristbands to children with special needs who attend Storybook Gardens in order to communicate to staff that extra assistance may be required; it being noted that the ACCAC wishes to be consulted throughout this development and implementation of this system;

d) a representative from the Committee of Adjustment BE REQUESTED to attend a future meeting of the Accessibility Advisory Committee in order to speak to how often items come

before the Committee that are accessibility-related and how best to ensure that the accessibility lens is applied to these situations;

it being noted that the Notice of Decision from the Committee of Adjustment Submission No.: A.088/18, submitted to the agenda by A. Forrest, was received; and,

e) clauses 1.1, 3.1 to 3.3, 5.3, 6.1 and 6.2, BE RECEIVED;

it being noted that a verbal delegation from M. Cairns, Accessibility Advisory Committee, was received with respect to this matter.

Motion Passed

5. (3.3) 8th Report of the Diversity, Inclusion and Anti-Oppression Advisory Committee

Motion made by: M. Cassidy

That the 8th Report of the Diversity, Inclusion and Anti-Oppression Advisory Committee, from its meeting held on July 19, 2018, BE RECEIVED;

it being noted that the ~~attached~~ presentation from F. Cassar, Diversity, Inclusion and Anti-Oppression Advisory Committee, with respect to this matter, was received.

Motion Passed

6. (3.4) 8th Report of the Animal Welfare Advisory Committee

Motion made by: M. Cassidy

That the following actions be taken with respect to the 8th Report of the Animal Welfare Advisory Committee from its meeting held on August 2, 2018:

a) the following actions be taken with respect to the proposed amendments to the London Animal Control By-law PH-3:

i) the Civic Administration BE REQUESTED to report back to the Animal Welfare Advisory Committee(AWAC) regarding amendments to the London Animal Control By-law PH-3, as previously submitted by the AWAC, as soon as possible;

ii) the Civic Administration BE ADVISED that the AWAC believes there is some urgency with respect to this matter and that the staff report should be expedited for the Community and Protective Services Committee (CPSC) and the Municipal Council's consideration as a private zoo business has stated its intent to, and has reportedly been working to establish, a facility in London;

b) the following actions be taken with respect to potential amendments to the Zoning By-law regarding Licensing in Homes for Pet Related Services:

i) the Civic Administration BE ADVISED of the following comments from Animal Welfare Advisory Committee(AWAC) with respect to the above-noted potential by-law amendments:

standards for good animal welfare should be addressed in terms of physical space, and also caring for these animals such as:

- basic obedience training;

- CPR First Aid;
 - human First Aid;
 - fire and safety measures put in place;
 - sanitation protocol and standards;
 - vaccination and insurance requirements;
 - fence height restriction;
 - education requirements; and,
 - determining whether current business owners are meeting the above standards and, if not, recommend that a timeline be established for compliance;
- ii) the Civic Administration BE REQUESTED to report back to the AWAC with respect to the feasibility of implementing the recommendations above; and,
- c) clauses 1.1, 3.1, 3.2, 4.1 and 5.1, BE RECEIVED.

Motion Passed

7. (4.1) 7th Report of the London Housing Advisory Committee

Motion made by: M. Cassidy

That the following actions be taken with respect to the 7th Report of the London Housing Advisory Committee (LHAC) from its meeting held on July 11, 2018:

- a) the following actions be taken with respect to growing marijuana in apartment buildings:
- i) a representative from Neighbourhood Legal Services BE INVITED to attend the October meeting of the LHAC to speak to the rights and responsibilities of landlords and tenants; and,
- ii) a representative from Property Management BE INVITED to attend a future meeting of the LHAC with respect to this matter;
- b) the City Clerk BE REQUESTED to consider the addition of a member of the Housing Development Corporation as a non-voting member to the LHAC;
- it being noted that a comprehensive review of all advisory committees is being undertaken by the City Clerk and that the LHAC members were also requested to review the Terms of Reference for the committee;
- c) the Civic Administration BE REQUESTED to make a staff person from the appropriate area available at LHAC meetings when Planning Notices are being reviewed by the committee;
- d) S. Giustizia, J. Browne and D. Purdy BE INVITED to attend the September meeting of the LHAC to discuss the 2018 Shareholder reports;
- e) the Civic Administration BE REQUESTED to provide an update with respect to inclusionary zoning to the LHAC; and,
- f) clauses 1.1, 2.1, 3.1 to 3.4, 6.1 and 6.4, BE RECEIVED.

Motion Passed

8. (5.1) Deferred Matters List

Motion made by: M. Cassidy

That the Deferred Matters List for the Community and Protective Services Committee, as at July 30, 2018, BE RECEIVED.

Motion Passed

9. (5.2) Mayor's Meeting With the Accessibility Advisory Committee – Update

Motion made by: M. Cassidy

That the following actions be taken with respect to the correspondence from Mayor M. Brown regarding his meeting on June 28, 2018 with members of the Accessibility Advisory Committee:

a) the first two action items on the correspondence, listed below, BE IMPLEMENTED as soon as possible:

- a statement be read at all City Meetings, noted on agendas and signage be posted near the entrance of City Hall and outside Council Chambers that reads: "The City of London is committed to fostering an accessible and inclusive community wherein all members of the public have equitable access to Municipal Council and its activities. To facilitate this environment, the City of London offers supportive devices, communications supports and adaptive technologies to those in attendance and those off-site. If you require assistance, please contact accessibility@london.ca or 519-661-2489 ext. 2425."; and,

- create an active motions list and deferred matters list outlining all former Accessibility Advisory Committee requests; and,

b) the remainder of the above-noted correspondence BE REFERRED to the Civic Administration in order to report back to the Community and Protective Services Committee as soon as possible related to the request(s), including, but not limited to, potential timelines and resource implications. (2018-A22)

Motion Passed

8.2 15th Report of the Corporate Services Committee

Motion made by: J. Helmer

That the 15th Report of the Corporate Services Committee BE APPROVED.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: J. Helmer

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) Appointments to the Joint Venture Management Committee for the 4-Pad Arena Complex (Relates to Bill No. 530)

Motion made by: J. Helmer

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the proposed by-law appended to the staff report dated August 14, 2018 as Appendix "A" BE INTRODUCED at the August 28, 2018 meeting of the Municipal Council to amend By-law No. A.-6567-226, entitled "A By-law to approve the appointment of City of London representatives to the Joint Venture Management Committee for the 4-Pad Arena Complex located on Western Fair Association (WFA) lands".

Motion Passed

3. (2.2) 2017 Annual Reporting of Lease Financing Agreements

Motion made by: J. Helmer

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the staff report dated August 14, 2018 entitled "2017 Annual Reporting of Lease Financing Agreements" BE RECEIVED for information.

Motion Passed

4. (4.1) Federation of Canadian Municipalities - Standing Committees

Motion made by: J. Helmer

That Councillor V. Ridley BE REIMBURSED for her associated expenses, outside of her annual expense allocation, subject to the annual budget approval process, and in accordance with Council's Travel & Business Expenses Policy for her attendance as an appointed Federation of Canadian Municipalities Standing Committee Member, at the following:

Board of Directors Meeting - September 11-14, 2018 - Annapolis County, NS

Board of Directors Meeting - November 20-23, 2018 - Ottawa, ON

Board of Directors Meeting - March 12-15, 2019 - Penticton, B.C.;

it being noted that the Board of Directors Meeting - March 12-15, 2019 Penticton, B.C. is subject to the re-election of Councillor Ridley on October 22, 2018.

Motion Passed

5. (5.1) Corporate Services Committee Deferred Matters List
Motion made by: J. Helmer
That the Corporate Services Committee Deferred Matters List, as of August 2018, BE RECEIVED.

Motion Passed

8.3 12th Report of the Civic Works Committee

Motion made by: V. Ridley

That the 12th Report of the Civic Works Committee BE APPROVED, excluding Items 3 (2.2), 5 (2.4), 13 (2.12), 14 (2.13), 15 (2.14) and 16 (2.15).

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: V. Ridley

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) 6th Report of the Transportation Advisory Committee

Motion made by: V. Ridley

That it BE NOTED that the 6th Report of the Transportation Advisory Committee, from its meeting held on July 24, 2018, was received.

Motion Passed

4. (2.3) Wastewater Operations Equipment Replacement - Budget Amendment

Motion made by: V. Ridley

That, on the recommendation of the Managing Director of Environmental and Engineering Services and City Engineer, the following actions be taken with respect to budget adjustments for the Wastewater Operations 2018 equipment replacement account:

a) a budget adjustment to increase 2018 funding for project ES508418 Replacement Equipment BE APPROVED in the total amount of \$750,000 to fund ongoing repairs and replacement of equipment; and,

b) the financing for the projects BE APPROVED in accordance with the "Source of Financing Report", as attached to the staff report dated August 13, 2018. (2018-F05A)

Motion Passed

6. (2.5) Commissioners Road West Realignment Environmental Study Report

Motion made by: V. Ridley

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken with respect to the Commissioners Road West Realignment Environmental Assessment:

- (a) the Commissioners Road West Realignment Municipal Class Environmental Study Report BE ACCEPTED;
- (b) a Notice of Study Completion for the project BE FILED with the Municipal Clerk; and,
- (c) the Environmental Study Report BE PLACED on the public record for a 30 day review period. (2018-E05)

Motion Passed

7. (2.6) Community Energy Action Plan - Status Update

Motion made by: V. Ridley

That, on the recommendation of the Director of Environment, Fleet and Solid Waste, the staff report dated August 13, 2018, with respect to an update on the status of the Community Energy Action Plan activities BE RECEIVED for information. (2018-E17)

Motion Passed

8. (2.7) Corporate Energy Management Program Update

Motion made by: V. Ridley

That, on the recommendation of the Managing Director, Environment & Engineering Services and City Engineer and the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the Corporate Energy Management Program Update report dated August 13, 2018, BE RECEIVED. (2018-E17)

Motion Passed

9. (2.8) 2017 Community Energy and Greenhouse Gas Inventory

Motion made by: V. Ridley

That, on the recommendation of the Director, Environment, Fleet & Solid Waste the 2017 Community Energy & Greenhouse Gas Inventory report dated August 13, 2018, BE RECEIVED. (2018-E17)

Motion Passed

10. (2.9) East London Sanitary Servicing Study - Municipal Class Environmental Assessment - Notice of Completion

Motion made by: V. Ridley

That, on the recommendation of the Managing Director Environmental & Engineering Services and City Engineer, the following actions be taken with respect to the East London Sanitary Servicing Study:

(a) the preferred treatment and collection servicing alternatives, as outlined in the staff report dated August 13, 2018 BE ACCEPTED in accordance with the Schedule B Municipal Class Environmental Assessment process requirements;

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

(c) the Municipal Class Environmental Assessment Schedule B project file for the East London Sanitary Servicing Study BE PLACED on the public record for a 30-day review period. (2018-E05)

Motion Passed

11. (2.10) Appointment of Consulting Engineer - Vauxhall Wastewater Treatment Plant - Class EA for Capacity Upgrades

Motion made by: V. Ridley

That, on the recommendation of the Managing Director of Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the assignment of consulting services for the completion of the Municipal Class Environmental Assessment to increase of the treatment capacity of the Vauxhall Wastewater Treatment Plant:

a) CH2M Hill Canada Limited BE APPOINTED consulting engineers at a cost of \$200,694.00, including 20% contingency, excluding HST, and in accordance with Section 15.2 d) of the City of London's Procurement of Goods and Services Policy;

b) the financing for the project BE APPROVED in accordance with the "Sources of Financing Report" as attached to the staff report dated August 13, 2018;

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

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

e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2018-E03)

Motion Passed

12. (2.11) Irregular Result Request for Tender (RFT) 18-82, 72 inch Out-Front Deck Rotary Mowers

Motion made by: V. Ridley

That, on the recommendation of the Managing Director,
Environmental & Engineering Services and City Engineer,

- a) the Request for Tender 18-82 to purchase eight (8) F3990 Out-Front Rotary Mowers with a 72" cutting deck for \$198,400, excluding HST, from Hyde Park Equipment, 2034 Mallard Rd, London, Ontario, N6H 5L8 BE ACCEPTED;
- b) funding for this purchase BE APPROVED as set out in the Source of Financing Report as ~~attached~~ to the staff report dated August 13, 2018;
- c) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this purchase; and,
- d) the approval hereby given BE CONDITIONAL upon the Corporation entering into a formal contract or having a purchase order, or contract record relating to the subject matter of this approval. (2018-F18)

Motion Passed

17. (4.1) Springhill Flowers Street Renaming - Portion of Pleasantview Drive (From South Wenige Drive to Rolling acres) to Rollingacres Drive and Pleasantview Drive (South of Waterwheel Road) to Pleasantview Court

Motion made by: V. Ridley

That, on the recommendation of the Director, Development Services, a public meeting for the proposed renaming of the portion of Pleasantview Drive (between South Wenige Drive and Rollingacres Drive) to Rollingacres Drive and the portion of Pleasantview Drive (south of Waterwheel Drive) to Pleasantview Court, BE SCHEDULED, it being noted that:

- the Applicant will be required to pay for the cost of the advertising and change of street name signage; and,
- the Applicant will be required to compensate any property owner in the amount of \$200.00, for incurred costs associated with the municipal address change as a result of the street name change. (2018-D29)

Motion Passed

18. (5.1) Deferred Matters List

Motion made by: V. Ridley

That the Civic Works Committee Deferred List, as of August 2, 2018, BE RECEIVED.

Motion Passed

19. (5.2) Meg Drive Watermain Break

Motion made by: V. Ridley

That it BE NOTED Councillor H. Usher enquired about the water break on Meg Drive and expressed concern with respect to

communication, the Managing Director, Environmental & Engineering Services and City Engineer advised that staff will review the communication process to ensure that residents are notified in a timely manner.

Motion Passed

3. (2.2) Amendments to the Traffic and Parking By-law (Relates to Bill No. 527)

Motion made by: V. Ridley

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the proposed by-law as appended to the staff report dated August 13, 2018, BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018, to amend the Traffic and Parking By-law (PS-113). (2018-T08)

Motion made by: V. Ridley

Seconded by: S. Turner

That the proposed by-law to amend the Traffic and Parking By-law, in accordance with the recommendation in the staff report dated August 13, 2018 BE REFERRED to the Municipal Council meeting to be held on September 18, 2018 for introduction, to provide an opportunity for the Civic Administration to carry out necessary technical amendments to the by-law.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

5. (2.4) Contract Award - Tender RFT 18-73 - Wilton Grove Sanitary Sewer Replacement

Motion made by: V. Ridley

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken with respect to the award of contracts for the replacement of the Wilton Grove Road Sanitary Sewer:

a) the bid submitted by Bre-Ex Construction Inc., 247 Exeter Road, London, ON, N6L 1A5, at its tendered price of \$4,597,122.40 excluding H.S.T., for the replacement of the Wilton Grove Road Sanitary Sewer, BE ACCEPTED; it being noted that the bid submitted by Bre-Ex Construction Inc. was the lowest of seven bids received and meets the City's specifications and requirements in all areas;

b) Parsons Corporation BE APPOINTED Consulting Engineers to complete the construction administration and supervision for the Wilton Grove Road Sanitary Sewer Replacement in accordance with the estimate, on file, at an upset amount of \$408,095.60, including 10% contingency, excluding H.S.T., and in accordance

with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;

c) the financing for the project BE APPROVED in accordance with the "Sources of Financing Report" included with the staff report dated August 13, 2018;

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

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

f) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2018-F18/E01)

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

13. (2.12) Provincial Maintenance Standards for Municipal Highways - Amendments 2018 (Relates to Bill No. 528)

Motion made by: V. Ridley

That, on the recommendation of the Managing Director of Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the Provincial Minimum Maintenance Standards for Municipal Highways:

a) the Municipal Act, 2001, O.Reg. 239/02, Minimum Maintenance Standards for Municipal Highways BE ADOPTED as the City of London's Minimum Maintenance Standards for Highways;

b) the City of London's Quality Standard for Sidewalk Winter Maintenance and Maintenance Guideline for Sidewalks BE REPLACED with the Municipal Act, 2001, O.Reg. 239/02, Minimum Maintenance Standards for Municipal Highways;

c) the Civic Administration BE DIRECTED to bring forward a business case for consideration as part for the 2019 budget process with respect to additional costs as a result of part a), above; and,

d) the by-law as appended to the staff report dated August 13, 2018 BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018, to delegate authority to the City Engineer or City Engineer's designate, Director, Roads and Transportation or Division Manager, Transportation and Roadside Operations, to declare the beginning and end of a significant weather event for the purpose of administering the Municipal Act, 2001, O.Reg. 239/02, Minimum Maintenance Standards for Municipal Highways;

it being noted that the total cost of this service is \$410,000 annually, not the per kilometer cost as indicated in the report. (2018-T06)

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

14. (2.13) 2018-2019 Transport Canada - Rail Safety Improvement Program Agreement for Grade Crossing Improvements (Relates to Bill No. 529)

Motion made by: V. Ridley

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken with respect to the 2018-2019 Rail Safety Improvement Program Funding:

a) the proposed by-law as appended to the staff report dated August 13, 2018 BE INTRODUCED at the Municipal Council meeting to be held August 28, 2018 to:

i) authorize and approve an Agreement between Her Majesty the Queen in Right of Canada, as represented by the Minister of Transport ("Canada") and The Corporation of the City of London for the Rail Safety Improvement Program for Grade Crossing Improvements; and,

ii) authorize the Mayor and the City Clerk to execute the above-noted Agreement; and,

b) the Civic Administration BE DIRECTED to take all necessary steps to implement the improvements identified in the City of London's application for the Rail Safety Improvement Program funding. (2018-T10)

Amendment:

Motion made by: V. Ridley

Seconded by: M. Cassidy

Amend part a) to read as follows:

a) the attached proposed by-law be INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 to:

i) authorize and approve an Agreement between Her Majesty the Queen in Right of Canada, as represented by the Minister of Transport ("Canada") and The Corporation of the City of London for the Rail Safety Improvement Program for Grade Crossing Improvements; and,

ii) authorize the Mayor and the City Clerk to execute the above-noted Agreement; and,

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

Amendment:

Motion made by: V. Ridley

Seconded by: H. Usher

That clause 14 BE APPROVED, as amended.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

Item 14, clause 2.13, as amended reads as follows:

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken with respect to the 2018-2019 Rail Safety Improvement Program Funding:

a) the attached proposed by-law be INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 to:

i) authorize and approve an Agreement between Her Majesty the Queen in Right of Canada, as represented by the Minister of Transport ("Canada") and The Corporation of the City of London for the Rail Safety Improvement Program for Grade Crossing Improvements; and,

ii) authorize the Mayor and the City Clerk to execute the above-noted Agreement; and,

b) the Civic Administration BE DIRECTED to take all necessary steps to implement the improvements identified in the City of London's application for the Rail Safety Improvement Program funding. (2018-T10)

15. (3.1) Complete Streets Design Manual

Motion made by: V. Ridley

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken with respect to the City of London Complete Streets Design Manual:

(a) the Complete Streets Design Manual, as summarized in the Executive Summary included in the staff report dated August 13, 2018 BE APPROVED, as the basis for planning and design of City streets; it being noted that the Manual will be subject to future periodic updates; and,

(b) the Design Specifications and Requirements Manual BE UPDATED based on the Complete Streets Design Manual and in coordination with the Design Specifications and Requirements Manual update process;

it being noted that the Civic Works Committee received the ~~attached~~ presentation, from M. Morris, Engineer.(2018-T05)

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

16. (3.2) Adelaide Street North - Canadian Pacific Railway Grade Separation - Environmental Study Report

Motion made by: V. Ridley

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following actions BE TAKEN with respect to the Adelaide Street North/Canadian Pacific Railway Grade Separation Municipal Class Environmental Assessment:

- a) the Adelaide Street North/Canadian Pacific Railway Grade Separation Municipal Class Environmental Study Report BE ACCEPTED;
- b) a notice of completion for the project BE FILED with the Municipal Clerk; and,
- c) the Environmental Study Report BE PLACED on the public record for a 30-day public review period;

it being noted that the Civic Works Committee received the ~~attached~~ presentation, from D. MacRae, Division Manager, Transportation Planning and Design. (2018-E05/T10)

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

- 8.4 13th Report of the Planning and Environment Committee

At 5:40 PM, Councillor P. Squire leaves the meeting.

Motion made by: S. Turner

That the 13th Report of the Planning and Environment Committee BE APPROVED, excluding items 17 (3.1) and 20 (3.4).

Yeas: (13): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong, P. Squire

Motion Passed (13 to 0)

At 5:43 PM, Councillor P. Squire enters the meeting.

1. Disclosures of Pecuniary Interest

Motion made by: S. Turner

That it BE NOTED that Councillor T. Park disclosed a pecuniary interest in clause 3.4 of this Report, having to do with the property

located at 391 South Street, by indicating that her family owns property in the area.

Motion Passed

2. (2.1) Update on Regulations for the Promoting Affordable Housing Act, 2016 (Inclusionary Zoning)

Motion made by: S. Turner

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to Inclusionary Zoning for the delivery of affordable housing:

- a) the staff report dated August 13, 2018 entitled "Update on Regulations for the Promoting Affordable Housing Act, 2016 (Inclusionary Zoning) BE RECEIVED for information;
- b) the Civic Administration BE DIRECTED to report back to the Planning and Environment Committee outlining options and approaches to implement Inclusionary Zoning in London, following consultation with the London Home Builders Association and the London Development Institute; and,
- c) the Civic Administration BE DIRECTED to prepare a draft Municipal Assessment Report to establish a framework for policies for Inclusionary Zoning. (2018-S11)

Motion Passed

3. (2.2) Local Planning Appeal Tribunal Process Report

Motion made by: S. Turner

That, on the recommendation of the Managing Director, Planning and City Planner, and the Managing Director, Development and Compliance Services and Chief Building Official, with the concurrence of the City Clerk and Solicitor II, the following actions be taken with respect to the Local Planning Appeal Tribunal process:

- a) the staff report dated August 13, 2018, entitled "Local Planning Appeal Tribunal Process Report" BE RECEIVED for information; and,
- b) the Civic Administration BE DIRECTED to initiate the processes outlined as noted in clause a) above. (2018-L01)

Motion Passed

4. (2.3) ReThink Zoning Terms of Reference

Motion made by: S. Turner

That, on the recommendation of the Managing Director, Planning and City Planner, the staff report dated August 13, 2018 entitled "ReThink Zoning Terms of Reference" and the draft Terms of Reference BE RECEIVED for information and BE CIRCULATED to stakeholders, agencies and the public for the purposes of receiving comments; it being noted that the final Terms of Reference will be brought before a future meeting of the Planning and Environment

Committee for approval following the consultations with stakeholders, agencies and the public. (2018-C01A)

Motion Passed

5. (2.5) Process to Consider Privately-Initiated Applications for Official Plan Amendments

Motion made by: S. Turner

That, on the recommendation of the Managing Director, Planning and City Planner, with the concurrence of the City Clerk, the staff report dated August 18, 2018, entitled "Process to Consider Privately-initiated Applications for Official Plan Amendments" BE RECEIVED for information. (2018-D09)

Motion Passed

6. (2.6) Planning Services and Development Services Application Fees and Charges Update

Motion made by: S. Turner

That, on the recommendation of the Managing Director, Planning and City Planner and the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to the Planning Services and Development Services application fees and charges review:

- a) the staff report dated August 13, 2018, entitled "Planning Services and Development Services Application Fees and Charges update" regarding the Planning Services and Development Services fee review BE RECEIVED for information; and,
- b) this item BE REMOVED from the Planning and Environment Committee Deferred Matters list (Item #3 of the May 28, 2018 PEC report); it being noted that a public participation meeting will be held at the Strategic Priorities and Policy Committee on September 17, 2018, with respect to this matter. (2018-F21)

Motion Passed

7. (2.7) Application - Creekview Subdivision - Phase 3 - Special Provisions (39T-05512)

Motion made by: S. Turner

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Landea North Developments Inc. and Landea Developments Inc., for the subdivision of land over Part of Lot 22, Concession 5, (Township of London), City of London, County of Middlesex, situated on the south side of the Sunningdale Road West, west of Wonderland Road, municipally known as 1196 Sunningdale Road West:

- a) the Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Landea North Developments Inc. and Landea Developments Inc., for the Creekview Subdivision, Phase 3 (39T-05512) appended to

the staff report dated August 13, 2018 as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated August 13, 2018 as Appendix "B";

c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated August 13, 2018 as Appendix "C"; and,

d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions. (2018-D09)

Motion Passed

8. (2.8) Application - West 5 Subdivision - Phase 3 - Special Provisions (39T-14503)

Motion made by: S. Turner

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Sifton Properties Limited, for the subdivision of land over Part of Lots 49 and 50, Concession B, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the north side of Oxford Street West, east of Riverbend Road, west of Kains Road, and south of Shore Road, municipally known as 1300 Riverbend Road:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited, for the West 5 Subdivision, Phase 3 (39T-14503) appended to the staff report dated August 13, 2018 as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated August 13, 2018 as Appendix "B";

c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated August 13, 2018 as Appendix "C"; and,

d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions. (2018-D09)

Motion Passed

9. (2.10) Application - 2313 and 2373 Callingham Drive - Removal of Holding Provision (H-8929) (Relates to Bill No. 536)

Motion made by: S. Turner

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of Town & Country Developments Inc., relating to the properties located at 2313 and 2373 Callingham Drive, the proposed by-law appended to the staff report dated August 13, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council

meeting to be held on August 28, 2018 to amend Zoning By-law Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R4 (h•R4-6) Zone TO a Residential R4 (R4-6) Zone to remove the “h” holding provision. (2018-D09)

Motion Passed

10. (2.11) Application - 1826 and 1854 Oxford Street West - Removal of Holding Provisions (h and h-11) (H-8895) (Relates to Bill No. 537)

Motion made by: S. Turner

That, on the recommendation of the Planner II, Development Planning, based on the application of Oxford West Gateway Inc., c/o Laverne Kirkness, relating to the properties located at 1826 and 1854 Oxford Street West, the proposed by-law appended to the staff report dated August 13, 2018 BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Community Shopping Area Special Provision (h*h-11*CSA5(6)) Zone TO a Community Shopping Area Special Provision (CSA5(6)) Zone to remove the h. and h-11 holding provisions. (2018-D09)

Motion Passed

11. (2.12) Application - 164 Sherwood Forest Square - Removal of Holding Provision (H-8913) (Relates to Bill No. 538)

Motion made by: S. Turner

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of Ben Cameron Consulting Inc., relating to the property located at 164 Sherwood Forest Square, the proposed by-law appended to the staff report dated August 13, 2018 as Appendix “A” BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 to amend Zoning By-law Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R8 Special Provision (h-5•h-11•h-179•R8-4(26)) Zone TO a Residential R8 Special Provision (R8-4(26)) Zone to remove the h-5, h-11, and h-179 holding provisions. (2018-D09)

Motion Passed

12. (2.13) Application - 728, 730, 742 and 744 Dundas Street - Removal of Holding Provisions (h-67) and (H-8925) (Relates to Bill No. 539)

Motion made by: S. Turner

That, on the recommendation of the Senior Planner, Development Services, based on the application by Indwell Community Homes, relating to lands located at 728, 730, 742 and 744 Dundas Street, the proposed by-law appended to the staff report dated August 13, 2018 as Appendix “A” BE INTRODUCED at the Municipal Council

meeting to be held on August 28, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Business District Commercial Special Provision (h-67•BDC(19)•D250• H46•B-12) Zone TO a Business District Commercial Special Provision (BDC(19)•D250•H46•B-12) Zone to remove the h-67 holding provision. (2018-D09)

Motion Passed

13. (2.14) Application - 1100 Upperpoint Boulevard/1854 Oxford Street West - Removal of Holding Provisions (h and h-209) (H-8906) (Relates to Bill No. 540)

Motion made by: S. Turner

That, on the recommendation of the Manager, Development Planning, based on the application by Sifton Properties Limited, relating to lands located at 1100 Upperpoint Boulevard, the proposed by-law appended to the staff report dated August 13, 2018 BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R5 / Residential R6 / Residential R7 / Residential R8 (h.*h-209*R5-7/R6-5/R7 D75 H15/R8-4) Zone TO a Residential R5 / Residential R6 / Residential R7 / Residential R8 (R5-7/R6-5/R7 D75 H15/R8-4) Zone to remove the h and h-209 holding provisions. (2018-D09)

Motion Passed

14. (2.15) Building Division Monthly Report for June 2018

Motion made by: S. Turner

That the Building Division Monthly Report for the month of June, 2018 BE RECEIVED for information. (2018-F-21)

Motion Passed

15. (2.4) Application - 1631-1649 Richmond Street

Motion made by: S. Turner

That, the Civic Administration BE AUTHORIZED to accept and process Zoning By-law Amendment and Official Plan Amendment applications submitted by Zelinka Priamo Ltd., for the properties located at 1631 to 1649 Richmond Street; it being noted that the Planning and Environment Committee heard a verbal presentation and reviewed and received a communication dated July 26, 2018, from H. Froussios, Senior Associate, Zelinka Priamo Ltd., with respect to these matters. (2018-D09)

Motion Passed

16. (2.9) Application - 2427 Daisy Bend and 3025 Doyle Drive - Removal of Holding Provisions (H-8907) (Relates to Bill No. 535)

Motion made by: S. Turner

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 2427 Daisy Bend and 3025 Doyle Drive, the proposed by-law appended to the staff report dated August 13, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R5/R6 (h•h-54•R5-4/R6-5) Zone TO a Residential R5/R6 (R5-4/R6-5) Zone to remove the h and h-54 holding provisions. (2018-D09)

Motion Passed

18. (3.2) Capital Works Claim - Riverbend Meadows Phase 3 (33M-654)

Motion made by: S. Turner

That, on the recommendation of the Director, Development Services, the request for additional payment on the Capital Works Budget claim under 33M-654 Riverbend Meadows Phase 3 BE DISMISSED and no further action BE TAKEN as the original claim amount has been paid out in accordance with the Subdivision Agreement provisions; it being noted that the Planning and Environment Committee heard a verbal presentation from C. Linton, Developro Land Services Inc., with respect to this matter.

Motion Passed

19. (3.3) Application - 131 King Street (Z-8902)

Motion made by: S. Turner

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of York Development, relating to the property located at 131 King Street:

a) the comments received from the public during the public engagement process appended to the staff report dated August 13, 2018 as Appendix "A" BE RECEIVED;

b) Planning staff BE DIRECTED to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the Planning Act, R.S.O 1990, c.P. 13;

it being noted that staff will continue to process the application and will consider the public, agency, and other feedback received during the review of the subject application as part of the staff evaluation to be presented at a future public participation meeting;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the ~~attached~~ public participation meeting record made oral submissions regarding these matters. (2018-D09)

Motion Passed

21. (3.5) 2427 Daisy Bend and 3025 Doyle (39CD-18509)

Motion made by: S. Turner

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Sifton Properties Limited, relating to the lands located at 2427 Daisy Bend and 3025 Doyle Drive:

a) the Approval Authority BE ADVISED that the following issues were raised by the public at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the properties located at 2427 Daisy Bend and 3025 Doyle Drive:

- i) the installation of townhomes across from single existing family residences;
- ii) concerns with respect to the proposed wrought iron fence;
- iii) requesting a stone wall instead of a wrought iron fence;
- iv) requesting trees, such as Blue Spruce, to be planted;
- v) requesting the applicant work with the neighbours;
- vi) requesting a wider circulation for Notices; and,
- vii) requesting privacy when they sit on their front porches;

b) the Approval Authority BE ADVISED that the following issues were raised by the Planning and Environment Committee members at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the properties located at 2427 Daisy Bend and 3025 Doyle Drive:

- i) requesting boulevard trees be planted;

c) the Approval Authority BE ADVISED that the following issues were raised by the public at the public meeting with respect to the Site Plan Approval application relating to the property located at 2427 Daisy Bend and 3025 Doyle Drive:

- i) concerns with respect to the proposed wrought iron fence;
- ii) requesting a stone wall instead of a wrought iron fence;
- iii) requesting boulevard trees, such as Blue Spruce, to be planted;
- iv) requesting the applicant work with the neighbours;
- v) requesting a wider circulation for Notices; and,
- vi) requesting privacy when they sit on their front porches;

d) the Approval Authority BE ADVISED that the following issues were raised by the Planning and Environment Committee members at the public meeting with respect to the Site Plan Approval application relating to the property located at 2427 Daisy Bend and 3025 Doyle Drive:

- i) requesting boulevard trees be planted;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-D09)

22. (3.6) Application - 1146 and 1156 Byron Baseline Road (Z-8847)

Motion made by: S. Turner

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 2186121 Ontario Inc., relating to the properties located at 1146-1156 Byron Baseline Road:

a) the Local Planning Appeal Tribunal BE ADVISED that Municipal Council recommends that the request to amend Zoning By-law No. Z-1 to change the zoning of the subject property FROM a Residential R1 (R1-7) Zone TO a Residential R8 Special Provision (R8-4(_)) Zone, to permit a 4-storey (15 metre) apartment building BE REFUSED for the following reasons:

i) the requested Zoning By-law Amendment is not consistent with the Provincial Policy Statement;

ii) the requested Zoning By-law Amendment does not conform to the 1989 Official Plan; and,

iii) the requested Zoning By-law Amendment does not conform to The London Plan;

b) the Local Planning Appeal Tribunal BE ADVISED that Municipal Council recommends that in the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, that the Local Planning Appeal Tribunal BE REQUESTED to withhold its Order(s) approving the application until such time as the Tribunal has been advised by the City Solicitor that:

i) the proposed Zoning By-law Amendment is in a form satisfactory to the City Planner and City Solicitor;

ii) a hydrogeological report has been completed and all necessary mitigation measures have been implemented to the satisfaction of the City Engineer;

iii) a Site Plan application has been made and a Site Plan Agreement has been entered into between the City and the owner following a public Site Plan review process;

c) the City Solicitor BE DIRECTED to provide legal and planning or expert witness representation at the Local Planning Appeal Tribunal hearing in support of Municipal Council's position;

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

- a communication dated July 27, 2018, from K. and J. White, 126 October Crescent;
- a communication dated July 30, 2018, from T. and R. Wolf, 399 Lansing Avenue;
- a communication from R. Toft, 34 September Lane;
- a communication dated July 30, 2018, from J. Lee and J. Burkell, 1158 Byron Baseline Road; and,
- a communication from I. and J. Clark, 1044 Griffith Street;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on

the attached public participation meeting record made an oral submission regarding these matters;

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

- the requested Zoning By-law Amendment is not consistent with the Provincial Policy Statement;
- the requested Zoning By-law Amendment does not conform to the 1989 Official Plan; and,
- the requested Zoning By-law Amendment does not conform to The London Plan. (2018-D09)

Motion Passed

23. (4.1) 7th Report of the Trees and Forests Advisory Committee

Motion made by: S. Turner

That, the following actions be taken with respect to the 7th Report of the Trees and Forests Advisory Committee from its meeting held on July 25, 2018:

a) the Civic Administration BE ADVISED of the following comments from the Trees and Forests Advisory Committee with respect to the Parks and Recreation Master Plan:

- it should be ensured that trees continue to populate the City of London as it is “The Forest City” and more trees should be planted in shared recreation spaces;
- it is recommended that a shade policy be created as a task item and implemented under the Parks and Recreation Master Plan;
- selective tree species should be planted in parks and recreation areas to assist with safer shaded areas;
- older trees should be kept and maintained as much as possible and all trees should be properly maintained (watering, trimming, etc.);
- citizens of the City of London should be engaged with respect to what is being done to protect and encourage trees and forests in their area;
- tree-related communities (i.e., ReForest London) should be allowed to use parks and recreation facilities to hold events;
- the Parks and Recreation Master Plan should explicitly recognize the importance of park spaces play in the local environment and that park spaces should be designed in such a way as to enhance the environmental benefits they offer; and,
- it is recommended that a Naturalization Policy be included as a task item under the Parks and Recreation Master Plan;

b) the Civic Administration BE ADVISED of the following comments of the Trees and Forests Advisory Committee with respect to the City of London Tree Protection By-law:

- there should be a standardized form as part of the application package for both the “Arborist Report” and the “Arborist Opinion”;

- the by-law should include a minimum canopy target of 51% of irreversible die back;
- the definition of “Pest” should be revised to include an infestation causing detrimental and irreversible damage to the direct health of a tree;
- the distinctive tree size should be reduced to 25 cm for a permit;
- the definition of “Replacement Tree” should be revised to clarify that “native” is required and that “shade” and “large growing tree” are synonymous;
- golf courses should be added to the exemption list in Section 5 of the by-law; and,
- wildlife values and interests within a tree should be considered more carefully with respect to provincial and federal Acts and Regulations and tied back to the by-law process to ensure a consistent approach;

it being noted that the communication appended to the 7th Report of the Trees and Forests Advisory Committee from the Tree Protection By-law Working Group, with respect to this matter, was received; and,

c) clauses 1.1, 2.1, 3.1, 3.2 BE RECEIVED.

Motion Passed

24. (4.2) 8th Report of the Environmental and Ecological Planning Advisory Committee

Motion made by: S. Turner

That, the following actions be taken with respect to the 8th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on July 19, 2018:

- a) the Working Group comments appended to the 8th Report of the Environmental and Ecological Planning Advisory Committee, relating to the Parks and Recreation Master Plan review BE REFERRED to the Civic Administration for review and consideration; it being noted that the Environmental and Ecological Planning Advisory Committee is willing to assist with the review of the Parks and Recreation Master Plan;
- b) the following actions be taken with respect to the Environmental Impact Study and Hydrogeological Study, relating to the properties located at 3070 Colonel Talbot Road and 3645 Bostwick Road:
 - i) a Working Group BE ESTABLISHED, consisting of S. Levin (lead), R. Trudeau and I. Whiteside to review the Environmental Impact Study and Hydrogeological Study, relating to the properties located at 3070 Colonel Talbot Road and 3645 Bostwick Road; and,
 - ii) the Division Manager, Environmental & Engineering Services, BE REQUESTED to provide a status update on the Dingman Creek Subwatershed study;

it being noted that the Environmental and Ecological Planning Advisory Committee reviewed and received a Notice of Planning application, revised Draft Plan of Subdivision, Official Plan and

Zoning By-law Amendments from N. Pasato, Senior Planner, with respect to this matter;

c) clauses 1.1, 3.1, 3.2, 5.3, 5.4, 6.1 and 6.2 BE RECEIVED.

Motion Passed

17. (3.1) Application - 2156 Highbury Avenue North

Motion made by: T. Park

That, the Civic Administration BE AUTHORIZED to accept and process Zoning By-law Amendment and Official Plan Amendment applications by Chinmaya Mission (Canada), for the property located at 2156 Highbury Avenue North, to add a Neighbourhood Facility zone to the subject property in order to permit a Place of Worship; it being noted that the Planning and Environment Committee heard a verbal presentation from L. Kirkness, Kirkness Consulting, with respect to this matter. (2018-D09)

Yeas: (12): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, V. Ridley, H. Usher, T. Park, and J. Zaifman

Nays: (2): A. Hopkins, and S. Turner

Absent: (0): B. Armstrong

Motion Passed (12 to 2)

20. (3.4) 391 South Street (Z-8803) (Relates to Bill No. 541)

At 5:55 PM, Councillor T. Park leaves the meeting.

Motion made by: S. Turner

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application by The Corporation of the City of London, relating to the property located at 391 South Street, the proposed by-law appended to the staff report dated August 13, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a holding Residential R7/ Residential R9/ Regional Facility (h-5*R7* D150*H30/R9-7*H30/RF) Zone TO a holding Residential R8 Special Provision Bonus (h-__*R8-4(__)*B-__) Zone and a holding Residential R9 Special Provision Bonus (h-__*R9-3(__)*H30*B-__) Zone; it being noted that the (B-__) Bonus Zone shall be implemented through one or more agreements to provide for an apartment building height maximum of 23 storeys or 80m (262 ft) with an increased density of up to 705 units per hectare in return for the provision of the following facilities, services, and matters:

a) a high quality development which substantively implements the site plan and renderings as appended to the staff report dated August 13, 2018 as Schedule "1" to the amending by-law, with minor revisions except where described in more detail below:

Lower Podium

i) ensuring that brick is the primary material used to clad the lower podium portion of the building;

- ii) ensuring ground floor units facing the Riverfront Promenade and South Street include individually accessible and externally lockable front door entrances;
- iii) ensuring ground floor units provide walkways that lead to: a City sidewalk, the courtyard, the River Promenade, and the mid-block connection;
- iv) providing for elevated ground floor patios where possible, in order to provide for privacy and increase the livability of the ground floor units;
- v) ensuring the principle entrances into the apartment buildings are prominent and easily identifiable by: introducing a break in the rhythm of massing, including a high level of clear glazing, or through the incorporation of canopies;
- vi) ensuring high quality design of the south elevation with individual unit entrances and private amenity courtyard spaces oriented to the Riverfront Promenade, and avoid blank walls to provide a positive edge with active uses facing the promenade;
- vii) providing a green roof treatment and/or amenity space on top of the lower podium roof;
- viii) provision of all above-ground structured parking within the building entirely screened by active uses;

Courtyard

- i) ensuring that the Colborne Building is appropriately integrated with the proposed courtyard by including entrances, patios, and active ground floor uses;
- ii) utilizing similar materials, treatments and patterns (ie-paving, aerial string lights between new building and Colborne Building, etc) as the proposed SoHo Heritage Square to the north in the design of the proposed courtyard;
- iii) maintaining the vista to the Children's War Memorial Hospital Building from the courtyard, by relocating any artifacts such as the nurse's residence arch from the north of the courtyard to elsewhere in the courtyard;

Upper Podium

- i) incorporating brick is encouraged on the mid-rise (eight storey) portions of the building;
- ii) ensuring that the material and colour palette provides for a cohesive design between all elements of the development including the lower podium, towers, top of towers, and the Colborne Building;

Tower

- i) provision of slender point towers with floor plates less than 800m²;
- ii) ensuring the design of the top of the towers provides interest to the skyline and is well integrated with the design language of the overall development;
- iii) offsetting heights of 19 storeys on the north tower and 23 storeys on the south tower;
- b) conservation, retention and adaptive re-use of the existing heritage designated Colborne Building;
- c) provision of a publicly accessible open space courtyard which substantively implements the concept landscape plan

appended to the staff report dated August 13, 2018 as Schedule “2” to the amending by-law, which features:

- i) a publicly accessible connection over private lands from the SoHo Civic Space to the Riverfront Promenade;
 - ii) enhanced landscaping with the use of trees, shrubs, and various raised planting features;
 - iii) decorative paving reminiscent of the former Hospital uses;
 - iv) provision of publicly accessible seating areas;
 - v) provision of publicly accessible art pieces in accordance with the Public Art policies in section 20.6.3.3 of the Old Victoria Hospital Lands Secondary Plan through the installation of hospital artifacts; and,
- d) provision of two levels of underground parking;

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

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

- the recommended amendment is consistent with the Provincial Policy Statement (PPS), 2014, which promotes intensification, redevelopment and a compact form in strategic locations to minimize land consumption and servicing costs and provide for a range of housing types and densities to meet projected requirements of current and future residents;
- the adaptive reuse of the existing Colborne Building is consistent with the Provincial Policy Statement, as it encourages a sense of place and preserves important built heritage;
- the recommended amendment conforms to the Old Victoria Hospital Secondary Plan and facilitates the development of one of the Four Corners and a High Rise Residential block, and contributes to the creation of a vibrant mixed-use node;
- the recommended bonus zone provides for an increased density and height in return for a series of bonusable facilities, services and matters that benefit the public in accordance with Section 20.6.3.3 of the Old Victoria Hospital Lands Secondary Plan; and,
- the recommended amendment is appropriate for the site and context, and will implement the vision of the Old Victoria Hospital Secondary Plan on the City-owned lands, and be a catalyst for revitalization of the overall SoHo community. (2018-D09)

Yeas: (13): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and J. Zaifman

Absent: (0): B. Armstrong, T. Park

Motion Passed (13 to 0)

At 6:02 PM, Councillor T. Park returns to the meeting.

9. Added Reports

9.1 15th Report of Council in Closed Session

Councillor H. Usher presents the 15th Report of the Council, in Closed Session.

Motion made by: H. Usher
Seconded by: M. van Holst

That pursuant to Section 17.4 of the Council Procedure By-law, leave be given for discussion and debate and the making of a substantive motion with respect to clause(s) 1 and 4 of the 15th Report of the Council, In Closed Session.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

Motion made by: H. Usher
Seconded by: J. Helmer

1. 267 Dundas Street – Canadian Medical Hall of Fame – Lease Extension Agreement

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, the attached Lease Extension Agreement, between The Corporation of the City of London and the Canadian Medical Hall of Fame (CMHF) relating to a portion of the J. Allyn Taylor building located at 267 Dundas Street, for a four (4) month term ending July 31, 2019, BE ACCEPTED.

4. Execution of Collective Agreement for Unifor Local 302 July 1, 2016 to June 30, 2019

That, on the recommendation of the Managing Director, Corporate Services and Chief Human Resources Officer, the Civic Administration BE DIRECTED to undertake all administrative acts that are necessary in order for the Mayor and the City Clerk to obtain the necessary authorization to execute the Collective Agreement for the years 2016 to 2019, appended as Appendix "C" to the staff report dated August 14, 2018, pursuant to the Memorandum of Agreement dated June 26, 2017 (Appendix "A"), between The Corporation of the City of London and Unifor Local 302.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

Motion made by: H. Usher
Seconded by: A. Hopkins

That pursuant to Section 17.4 of the Council Procedure By-law, leave be given for discussion and debate and the making of a substantive motion with respect to clause(s) 2 and 3 of the 15th Report of the Council, In Closed Session.

Yeas: (12): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, H. Usher, and J. Zaifman

Recuse: (2): S. Turner, and T. Park

Absent: (0): B. Armstrong

Motion Passed (12 to 0)

Motion made by: H. Usher

Seconded by: J. Helmer

2. Property Acquisition – 32 Wellington Road – Bus Rapid Transit Project

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, with the concurrence of the Managing Director of Environmental and Engineering Services and City Engineer and the Project Director, Rapid Transit Implementation, and on the advice of the Manager of Realty Services, the following actions be taken with respect to the property located at 32 Wellington Road, further described as Part Lots 1 and 2, Plan 95 (4th) PIN 083570071, containing an area of approximately 3,333 square feet, as shown on the location map attached, for the purpose of future road improvements to accommodate the Bus Rapid Transit initiative:

a) the offer submitted by Christopher Stover, to sell the subject property to the City, for the sum of \$222,000.00 BE ACCEPTED, subject to the following conditions:

i) the City having the right to view the property two (2) further times prior to closing;

ii) the transaction includes all the existing fixtures, chattels, appliances;

iii) the City will assume the rental contract for the hot water tank; and,

b) the financing for this acquisition BE APPROVED as set out in the Source of Financing Report attached hereto as Appendix "A".

3. Property Acquisition – 34 Wellington Road – Bus Rapid Transit Project

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, with the concurrence of the Managing Director of Environmental and Engineering Services and City Engineer and the Project Director, Rapid Transit Implementation, and on the advice of the Manager of Realty Services, the following actions be taken with respect to the property located at 34 Wellington Road, further described as Part Lots 2 and 3, Plan 95 (4th) PIN 083570365, containing an area of approximately 6,394 square feet, as shown on the location map attached, for the purpose of future road improvements to accommodate the Bus Rapid Transit initiative:

a) the offer submitted by Nathan Walker and Sara Carrera La Gamba, to sell the subject property to the City, for the sum of \$310,000.00 BE ACCEPTED, subject to the following conditions:

i) the City having the right to view the property one (1) further time prior to closing;

ii) the transaction includes all the existing fixtures, chattels, and appliances; and

b) the financing for this acquisition BE APPROVED as set out in the Source of Financing Report attached hereto as Appendix "A".

Yeas: (11): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, H. Usher, and J. Zaifman

Recuse: (3): V. Ridley, S. Turner, and T. Park

Absent: (0): B. Armstrong

Motion Passed (11 to 0)

10. Deferred Matters

None.

11. Enquiries

Councillor M. van Holst enquires with respect to recent occurrences of tents being set up in public areas, with people residing there; the Councillor enquires whether there is a city-owned property where this may be permitted. The Managing Director, Development Service and Compliance Services and Chief Building Official responds, noting that staff are working to assist with sheltering of persons who require it.

12. Emergent Motions

None.

13. By-laws

Motion made by: M. Salih

Seconded by: P. Hubert

That Introduction and First Reading of Bill No.'s 525, 526 and 528 to 540, including the revised Bill No. 529, and the Added Bill No.'s 544 and 545, BE APPROVED.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

Motion made by: J. Helmer

Seconded by: H. Usher

That Second Reading of Bill No.'s 525, 526 and 528 to 540, including the revised Bill No. 529, and the Added Bill No.'s 544 and 545, BE APPROVED.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

Motion made by: H. Usher
Seconded by: A. Hopkins

That Third Reading and Enactment of 525, 526 and 528 to 540, including the revised Bill No. 529, and the Added Bill No.'s 544 and 545, BE APPROVED.

Yeas: (14): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent: (0): B. Armstrong

Motion Passed (14 to 0)

Motion made by: H. Usher
Seconded by: S. Turner

That Introduction and First Reading of Bill No. 541, BE APPROVED.

Yeas: (13): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and J. Zaifman

Recuse: (1): T. Park

Absent: (0): B. Armstrong

Motion Passed (13 to 0)

Motion made by: J. Helmer
Seconded by: A. Hopkins

That Second Reading of Bill No. 541, BE APPROVED.

Yeas: (13): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and J. Zaifman

Recuse: (1): T. Park

Absent: (0): B. Armstrong

Motion Passed (13 to 0)

Motion made by: H. Usher
Seconded by: J. Zaifman

That Third Reading and Enactment of Bill No. 541, BE APPROVED.

Yeas: (13): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and J. Zaifman

Recuse: (1): T. Park

Absent: (0): B. Armstrong

Motion Passed (13 to 0)

Motion made by: M. Salih
Seconded by: J. Zaifman

That Introduction and First Reading of Added Bill No.'s 542 and 543, BE APPROVED.

Yeas: (11): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, H. Usher, and J. Zaifman

Recuse: (3): V. Ridley, S. Turner, and T. Park

Absent: (0): B. Armstrong

Motion Passed (11 to 0)

Motion made by: H. Usher
Seconded by: M. van Holst

That Second Reading of Bill No.'s 542 and 543, BE APPROVED.

Yeas: (11): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, H. Usher, and J. Zaifman

Recuse: (3): V. Ridley, S. Turner, and T. Park

Absent: (0): B. Armstrong

Motion Passed (11 to 0)

Motion made by: H. Usher
Seconded by: M. van Holst

That Third Reading and Enactment of Bill No.'s 542 and 543, BE APPROVED.

Yeas: (11): Mayor M. Brown, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, H. Usher, and J. Zaifman

Recuse: (3): V. Ridley, S. Turner, and T. Park

Absent: (0): B. Armstrong

Motion Passed (11 to 0)

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

Bill No. 525 By-law No. A.-7767-459	A by-law to confirm the proceeding of the Council Meeting held on the 28th day of August, 2018. (City Clerk)
Bill No. 526 By-law No. A.-7768-460	A by-law to repeal By-law No. CPOL.-68(a)-406 being, "A by-law to amend By-Law No. CPOL-68-300 being "Issuance of Computer Equipment to Council Members." (City Clerk)
Bill No. 527 By-law No. PS-113-18____ Referred back	A by-law to amend By-law PS-113 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London." (2.2/12/CWC)

Bill No. 528 By-law No. A.-7769-461	A by-law to delegate authority to the City Engineer or the City Engineer's designate, Director, Roads and Transportation or Division Manager, Transportation and Roadside Operations, to declare the beginning and end of a significant weather event for the purposes of administering the Municipal Act, 2001 , O.Reg. 239/02 - Minimum Maintenance Standards for Municipal Highways. (2.12/12/CWC)
Bill No. 529 By-law No. A.-7770-462	A by-law to authorize and approve an Agreement between Her Majesty the Queen in Right of Canada, as represented by the Minister of Transport ("Canada") and The Corporation of the City of London for the Rail Safety Improvement Program (RSIP) Agreement for Grade Crossing Improvements; and to authorize the Mayor and the City Clerk to execute the Agreement. (2.13/12/CWC)
Bill No. 530 By-law No. A.-6567(a)- 463	A by-law to amend By-law No. A.-6567-226 entitled, "A By-law to approve the appointment of City of London representatives to the Joint Venture Management Committee for the 4-Pad Arena Complex located on Western Fair Association (WFA) lands". (2.1/15/CSC)
Bill No. 531 By-law No. S.-5949-464	A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Western Road, from Essex Street to Platt's Lane) (Chief Surveyor - for the purposes of establishing the following lands as public highway)
Bill No. 532 By-law No. W.-5641-465	A by-law to authorize debenture financing for project ES5264-Wonderland Pumping Station. (2.7a/11/CWC)
Bill No. 533 By-law No. W.-5642-466	A by-law to authorize debenture financing for project ES5263-Southwest Capacity Improvement. (2.7b/11/CWC)
Bill No. 534 By-law No. W.-5593(a)- 467	A by-law to amend by-law No. W.-5593-37 entitled, "A by-law to authorize the Colonel Talbot Pumping Station. (Project No. ES2204)" (2.7c/11/CWC)
Bill No. 535 By-law No. Z.-1-182681	A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for lands located at 2427 Daisy Bend and 3025 Doyle Drive. (2.9/13/PEC)
Bill No. 536 By-law No. Z.-1-182682	A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 2313 and 2373 Callingham Drive. (2.10/13/PEC)
Bill No. 537 By-law No. Z.-1-182683	A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1826 & 1854 Oxford Street West. (2.11/13/PEC)
Bill No. 538 By-law No. Z.-1-182684	A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 164 Sherwood Forest Square. (2.12/13/PEC)
Bill No. 539 By-law No. Z.-1-182685	A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for lands located at 728, 730, 742 and 744 Dundas Street. (2.13/13/PEC)

Bill No. 540 By-law No. Z.-1-182686	A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1100 Upperpoint Boulevard. (2.14/13/PEC)
Bill No. 541 By-law No. Z.-1-182687	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 391 South Street. (3.4/13/PEC)
Bill No. 542 By-law No. A.-7771-468	A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and Nathan Walker and Sara Carrera La Gamba, for the acquisition of property located at 34 Wellington Road, in the City of London, for the Bus Rapid Transit Project and to authorize the Mayor and the City Clerk to execute the Agreement. (6.1/15/CSC)
Bill No. 543 By-law No. A.-7772-469	A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and Christopher Stover, for the acquisition of property located at 32 Wellington Road, in the City of London, for the Bus Rapid Transit Project and to authorize the Mayor and the City Clerk to execute the Agreement. (6.2/15/CSC)
Bill No. 544 By-law No. A.-7773-470	A By-law to authorize and approve a Lease Extension Agreement between The Corporation of the City of London and the Canadian Medical Hall of Fame, for the lease of the City owned building at 267 Dundas Street, London, Ontario, and to authorize the Mayor and the City Clerk to execute the Agreement. (6.3/15/CSC)
Bill No. 545 By-law No. A.-7774-471	A By-law to authorize the Mayor and City Clerk to execute the Collective Agreement between The Corporation of the City of London and Unifor Local 302. (6.4/15/CSC)

14. Adjournment

Motion made by: H. Usher

Seconded by: S. Turner

That the meeting adjourn.

Meeting adjourns at 6:26 PM.

Matt Brown, Mayor

Catharine Saunders, City Clerk

Bill No.
2018

By-law No.

A by-law to authorize and approve an Agreement between Her Majesty the Queen in Right of Canada, as represented by the Minister of Transport (“Canada”) and The Corporation of the City of London for the Rail Safety Improvement Program (RSIP) Agreement for Grade Crossing Improvements; and to authorize the Mayor and the City Clerk to execute the Agreement.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* provides that a municipal power shall be exercised by by-law;

AND WHEREAS the Government of Canada has introduced a program to promote increased railway safety in Canada;

AND WHEREAS the City has applied to the Government of Canada for funding under the Rail Safety Improvement Program, to assist in carrying out railway crossing safety improvements;

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

1. The Agreement between Her Majesty the Queen In Right of Canada, as represented by the Minister of Transport (“Canada”) and The Corporation of the City of London for the Rail Safety Improvement Program (RSIP) Agreement for Grade Crossing Improvements attached hereto as Schedule A is hereby authorized and approved;
2. The Mayor and the City Clerk are hereby authorized to execute the Agreement authorized and approved in section 1, above.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council

2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading August 28, 2018
Second Reading August 28, 2018
Third Reading August 28, 2018

Schedule 'A'

**CANADA – CITY OF LONDON
RAIL SAFETY IMPROVEMENT PROGRAM
AGREEMENT FOR GRADE CROSSING IMPROVEMENTS**

This Agreement is made as of the date of last signature

BETWEEN: **HER MAJESTY THE QUEEN IN RIGHT OF CANADA**, as represented by the Minister of Transport (“Canada”)

AND

THE CORPORATION OF THE CITY OF LONDON, continued or incorporated pursuant to the Municipality Act (the “Recipient”),

individually referred to as a “Party” and collectively referred to as the “Parties”.

RECITALS

WHEREAS the Minister of Transport is responsible for the Program entitled the Rail Safety Improvement Program (“Program”);

WHEREAS the Recipient has submitted to Canada a proposal for the funding of the Projects which qualify for support under the Program;

AND WHEREAS the Recipient is responsible for carrying out the Projects and Canada wishes to provide financial support for the Projects and its objectives;

NOW THEREFORE, the Parties agree as follows:

1. INTERPRETATION

1.1 DEFINITIONS

In addition to the terms defined in the recitals and elsewhere in this Agreement, a capitalized term has the meaning given to it in this Section.

“**Agreement**” means this contribution agreement and all its schedules, as may be amended from time to time.

“**Agreement End Date**” means March 31, 2020.

“**Asset**” means any real or personal property or immovable or movable asset acquired, purchased, constructed, rehabilitated or improved, in whole or in part, with funds contributed by Canada under the terms and conditions of this Agreement.

“**Asset Disposal Period**” means the period commencing from the Effective Date and ending on the Agreement End Date.

“**Contract**” means an agreement between the Recipient and a Third Party whereby the latter agrees to supply a product or service to any Project in return for financial consideration.

“**Declaration of Completion**” means a declaration in the form substantially prescribed in Schedule E (Declaration of Completion).

“**Effective Date**” means the date of last signature of this Agreement.

“**Eligible Expenditures**” means those costs incurred that are directly related to the Projects and which are considered eligible by Canada and may include cash-equivalent expenditures associated with In-Kind Contributions as set out in Schedule A (Eligible and Ineligible Expenditures).

“**Fair Value**” means the amount that would be agreed upon in an arm’s length transaction between knowledgeable, willing parties who are under no compulsion to act.

“**Final Claim Date**” means the Project Completion Date of a Project no later than March 31, 2019.

“**Fiscal Year**” means the period beginning April 1 of a year and ending March 31 of the

following year.

“**Guide**” means the *Guide to Railway Charges for Crossing Maintenance and Construction* prepared by the Canadian Transportation Agency, applicable to the year that the work was completed.

“**In-Kind Contributions**” means non-monetary contributions of goods, services or other support provided by the Recipient, or to the Recipient by a third party for any Project, for which Fair Value is assigned, but for which no payment occurs. The associated cash-equivalent expenditures may be considered Eligible Expenditures in accordance with Schedule A (Eligible and Ineligible Expenditures).

“**Projects**” means all of the projects described in Schedule B (The Projects).

“**Project Completion Date**” means the date at which all funded activities of a Project under this Agreement have been completed and which must be no later than March 31, 2019.

“**Third Party**” means any person or legal entity, other than a Party, who participates in the implementation of any Project by means of a Contract.

“**Total Financial Assistance**” means funding from all sources towards Eligible Expenditures of the Projects, including funding from the Recipient and federal, provincial, territorial, and municipal governments as well as funding from all other sources, including In-Kind Contributions.

1.2 ENTIRE AGREEMENT

This Agreement comprises the entire agreement between the Parties in relation to the subject of the Agreement. No prior document, negotiation, provision, undertaking or agreement has legal effect, unless incorporated by reference into this Agreement. No representation or warranty express, implied or otherwise, is made by Canada to the Recipient except as expressly set out in this Agreement.

1.3 DURATION OF AGREEMENT

This Agreement will be effective as of the Effective Date and will terminate on the Agreement End Date subject to early termination in accordance with this Agreement.

1.4 SCHEDULES

The following schedules are attached to, and form part of this Agreement:

Schedule A – Eligible and Ineligible Expenditures

Schedule B – The Projects

Schedule C – Certificate(s) of Compliance for Claims

Schedule D – Communications Protocol

Schedule E – Declaration of Completion

2. PURPOSE OF AGREEMENT

The purpose of this Agreement is to establish the terms and conditions whereby Canada will provide funding to the Recipient for the Projects.

3. OBLIGATION OF THE PARTIES

3.1 CONTRIBUTION BY CANADA

- a) Canada agrees to pay a contribution to the Recipient of not more than eighty percent (80%) of the total Eligible Expenditures for the Projects but only up to a maximum of one hundred eighty-six thousand eight hundred dollars (\$186,800.00).
- b) Canada will pay the contribution in accordance with the terms and conditions of this Agreement and the Fiscal Year breakdown in Schedule B.2 (Projects and Cashflow).
- c) If Canada's total contribution towards any Project exceeds eighty percent (80%) of the Project's total Eligible Expenditures or if the Total Financial Assistance received or due in respect of the total Project costs exceeds one hundred percent (100%) thereof, Canada may recover the excess from the Recipient or reduce its contribution by an amount equal to the excess.
- d) The Parties acknowledge that Canada's role in the Projects is limited to making a financial contribution to the Recipient for the Projects and that Canada will have no involvement in the implementation of any Project or its operation. Canada is neither a decision-maker nor an administrator to the Projects.

3.2 COMMITMENTS BY THE RECIPIENT

- a) The Recipient will complete the Projects in a diligent and timely manner, within the costs and deadlines specified in this Agreement and in accordance with the terms and conditions of this Agreement.
- b) The Recipient will be responsible for all costs of the Projects including cost overruns, if any.
- c) The Recipient will inform Canada promptly of the Total Financial Assistance received or due for all Projects.
- d) The Recipient will repay to Canada any payment received for disallowed costs, unexpended contributions, and overpayments made under and according to the terms and conditions of this Agreement.
- e) The Recipient will ensure the ongoing operation, maintenance, and repair of any Asset in relation to the Project as per appropriate standards, during the Asset Disposal Period.
- f) Canada may request that the Recipient declare to Canada any amounts owing to the federal Crown, under legislation or contribution agreements that constitute an overdue debt. The Recipient recognizes that any such amount owing is a debt due to the federal Crown and may be set-off by Canada in accordance with Section 18.6 (Set-off by Canada).
- g) The Recipient will inform Canada immediately of any fact or event that could compromise wholly or in part any Project.
- h) Upon Canada's request and throughout the term of the Agreement, the Recipient will promptly provide Canada with updates to the status of the Projects and to the expenditures and forecasts set out in Schedule B (The Projects).

3.3 APPROPRIATIONS AND FUNDING LEVELS

Notwithstanding Canada's obligation to make any payment under this Agreement, this obligation does not arise if, at the time when a payment under this Agreement becomes due, the Parliament of Canada has not passed an appropriation that is sufficient and constitutes lawful authority for making the payment. Canada may reduce or terminate any payment under this Agreement in response to the reduction of appropriations or departmental funding levels in respect of transfer payments, the program under which this Agreement was made or otherwise, as evidenced by any appropriation act or the federal Crown's main or supplementary estimates expenditures. Canada will promptly advise the Recipient of any reduction or termination of funding once it becomes aware of any such situation. Canada will not be liable for any direct, indirect, consequential, exemplary or punitive damages, regardless of the form of action, whether in contract, tort or otherwise, arising from any such reduction or termination of funding.

3.4 FISCAL YEAR BUDGETING

- a) The amount of the contribution payable by Canada for each Fiscal Year of a Project is set out in Schedule B.2 (Projects and Cashflow).
- b) If the actual amount payable by Canada in respect of any Fiscal Year of a Project is less than the estimated amount in Schedule B.2 (Projects and Cashflow), the Recipient may request that Canada re-allocate the difference between the two amounts to a subsequent Fiscal Year. Subject to Section 3.3 (Appropriations and Funding Levels), Canada agrees to make reasonable efforts to accommodate the Recipient's request. The Recipient acknowledges that requests for re-allocation of Project funding will require appropriation adjustments or federal Crown approvals.
- c) In the event that any requested re-allocation of Project funding is not approved, the amount of Canada's contribution payable pursuant to Section 3.1 (Contribution by Canada) may be reduced by the amount of the requested re-allocation. If the contribution payable by Canada pursuant to Section 3.1 (Contribution by Canada) is so reduced, the Parties agree to review the effects of such reduction on the overall implementation of the Project and to adjust the terms and conditions of this Agreement as appropriate.

3.5 CHANGES DURING THE LIFE OF THE PROJECTS

- a) Where a change to this Agreement is contemplated, the Recipient will submit to Canada a request for a change.
- b) Where the change is approved by Canada, the Parties will execute the corresponding amendment to the Agreement in accordance with Section 18.14 (Amendments).

3.6 INABILITY TO COMPLETE PROJECTS

If, at any time during the term of this Agreement, one or all of the Parties determine that it will not be possible to complete a Project for any reason, the Party will immediately notify the other Party of that determination and Canada may suspend its funding obligation. The Recipient will, within thirty (30) business days of a request from Canada, provide a summary of the measures that it proposes to remedy the situation. If Canada is not satisfied that the measures proposed will be adequate to remedy the situation, then this will constitute an Event of Default under Section 15 (Default) and Canada may declare a default pursuant to Section 15 (Default).

3.7 GUIDELINES

The Recipient will complete the Project, or cause the Project to be completed, in accordance with all applicable laws, regulations and prevailing industry standards for such design and construction and all applicable building and design codes.

4. RECIPIENT REPRESENTATIONS AND WARRANTIES

The Recipient represents and warrants to Canada that:

- a) the Recipient has the capacity and authority to enter into and execute this Agreement as duly authorized by City of London Council By-Law No. 2018- , dated August __, 2018.
- b) the Recipient has the capacity and authority to carry out the Projects;
- c) the Recipient has the requisite power to own the Assets;
- d) this Agreement constitutes a legally binding obligation of the Recipient, enforceable against it in accordance with its terms and conditions;
- e) all information submitted to Canada as set out in this Agreement is true, accurate, and was prepared in good faith to the best of its ability, skill, and judgment;
- f) any individual, corporation or organization that the Recipient has hired, for payment, who undertakes to speak to or correspond with any employee or other person representing Canada on the Recipient's behalf, concerning any matter relating to the contribution under this Agreement or any benefit hereunder and who is required to be registered pursuant to the federal *Lobbying Act*, is registered pursuant to that *Act*;
- g) the Recipient has not and will not make a payment or other compensation that is contingent upon or is calculated upon the contribution hereunder or the negotiation of the whole or any part of the terms and conditions of this Agreement to any individual, or corporation or organization with which that individual is engaged in doing business with, who is registered pursuant to the federal *Lobbying Act*;
- h) there are no actions, suits, investigations or other proceedings pending or, to the

knowledge of the Recipient, threatened and there is no order, judgment or decree of any court or governmental agency which could materially and adversely affect the Recipient's ability to carry out the activities contemplated by this Agreement. The Recipient will inform Canada immediately if any such action or proceedings are threatened or brought during the term of this Agreement; and

- i) the Recipient is in good standing under the laws of the jurisdiction in which it is required to be registered.

5. [INTENTIONALLY OMITTED]

6. CONTRACT PROCEDURES

6.1 AWARDING OF CONTRACTS

- a) The Recipient will ensure that Contracts are awarded in a way that is transparent, competitive, consistent with value-for-money principles, or in a manner otherwise acceptable to Canada, and if applicable, in accordance with the Canadian Free Trade Agreement and international trade agreements.
- b) If Canada determines that the Recipient has awarded a Contract in a manner that is not in compliance with the foregoing, upon notification to the Recipient, Canada may consider the expenditures associated with the Contract to be ineligible.

6.2 CONTRACT PROVISIONS

The Recipient will ensure that all Contracts are consistent with, and incorporate, the relevant provisions of this Agreement. More specifically but without limiting the generality of the foregoing, the Recipient agrees to include terms and conditions in all Contracts to ensure that:

- a) the Third Party will keep proper and accurate financial accounts and records, including but not limited to its contracts, invoices, statements, receipts, and vouchers, in respect of a Project for at least six (6) years after the Agreement End Date and that the Recipient has the contractual right to audit them;
- b) all applicable labour, environmental, and human rights legislation are respected; and
- c) Canada and its designated representatives, to the extent permitted by law, will at all times be permitted to inspect the terms and conditions of the Contract and any records and accounts respecting a Project and will have free access to the Project sites and to any documentation relevant for the purpose of audit.

7. [INTENTIONALLY OMITTED]

8. ABORIGINAL CONSULTATION

The Recipient agrees that:

- a) Canada has determined that no legal duty to consult Aboriginal groups arises in the context of the Project.
- b) The Recipient must inform Canada promptly of any changes to the Project, or otherwise, that may affect Canada's determination of the legal duty to consult for this Project.
- c) If as a result of changes to the Project or otherwise, Canada determines that a legal duty to consult arises or further consultation is required, the Recipient agrees that:
 - i. all of Canada's obligations pursuant to this Agreement will be suspended from the moment that Canada informs the Recipient that a legal duty to consult arises;
 - vi. it will consult with Aboriginal groups that might be affected by the Project, explain the Project to them, including Canada's role, and will provide a report to Canada, which will include:
 - a. a list of all Aboriginal groups contacted;
 - b. a summary of all communications to date with the Aboriginal groups, indicating which groups support or object to the Project, and whether their positions are final, preliminary, or conditional in nature;

- c. a summary of any issues or concerns that the Aboriginal groups have raised and an indication of how the Recipient has addressed or proposes to address those issues or concerns; and
 - d. any other information Canada may deem appropriate.
- vii. no construction of the Project will occur and Canada has no obligation to reimburse Eligible Expenditures until Canada is satisfied that any legal duty to consult with, and where appropriate, to accommodate Aboriginal groups have been met and continue to be met.

9. CLAIMS AND PAYMENTS

9.1 PAYMENT CONDITIONS

- a) Canada will not pay interest for failing to make a payment under this Agreement.
- b) Canada will not pay any claims submitted after the Final Claim Date, unless otherwise accepted by Canada.
- c) Canada will not pay any claims until the requirements under Section 8 (Aboriginal Consultation), if applicable, are, in Canada's opinion, satisfied to the extent possible at the date the claim is submitted to Canada.

9.2 PROGRESS CLAIMS

- a) The Recipient will submit progress claims to Canada for each Project covering the Recipient's Eligible Expenditures in a form acceptable to Canada. Each progress claim must include the following:
 - i. a certification by a senior official designated in writing by the Recipient in the form set out in Schedule C.1 (Certificate of Compliance for Progress Claim) stating that the information submitted in support of the claim is accurate;
 - ii. a breakdown of Eligible Expenditures claimed, in accordance with Schedule B.2 Projects and Cashflow); and
 - iii. documentation to support the Eligible Expenditures claimed that is satisfactory to Canada.
- b) Canada will make a payment upon review and acceptance of a progress claim, subject to the terms and conditions of the Agreement.

9.3 FINAL CLAIM AND FINAL ADJUSTMENTS

- a) The Recipient will submit a final claim to Canada for each Project by the Final Claim Date covering the Recipient's Eligible Expenditures in a form acceptable to Canada. The final claim for each Project must include the following:
 - i. a certification by a senior official designated in writing by the Recipient in the form set out in Schedule C.2 (Certificate of Compliance for Final Claim) stating that the information submitted in support of the claim is accurate;
 - ii. a breakdown of Eligible Expenditures claimed in accordance with Schedule B.2 (Projects and Cashflow);
 - iii. confirmation of the Total Financial Assistance in accordance with Section 3.2 c) (Commitments by the Recipient) in the form set out in Schedule C.2 (Certificate of Compliance for Final Claim);
 - iv. a completed Declaration of Completion in accordance with Section 9.5 (Declaration of Completion);
 - v. upon request by Canada, any of the documents referenced in Schedule E (Declaration of Completion); and
 - vi. documentation to support the Eligible Expenditures claimed that is satisfactory to Canada.
- b) Upon receipt of the final claim for a Project, but before issuing the final payment, the Parties will jointly carry out a final reconciliation of all claims and payments in respect

of the Project and make any adjustments required in the circumstances.

9.4 WITHHOLDING OF CONTRIBUTION

Canada may withhold up to ten percent (10%) of its contribution towards Eligible Expenditures claimed under the Agreement. Any remaining amount withheld by Canada will be released when the final adjustments have been completed under Section 9.3 (Final Claim and Final Adjustments) and the Recipient fulfills all its obligations under this Agreement.

9.5 DECLARATION OF COMPLETION

- a) Prior to executing the Declaration of Completion, the Recipient will request confirmation in writing from Canada as to whether the Declaration of Completion lists all relevant documents.
- b) The Declaration of Completion must be signed by an authorized official of the Recipient as deemed acceptable by Canada, and it must list all relevant documents as determined by Canada.

10. [INTENTIONALLY OMITTED]

11. AUDIT, EVALUATION AND MONITORING FOR COMPLIANCE

11.1 RECIPIENT AUDIT

Canada may, at its discretion, conduct a Recipient audit related to this Agreement during the term of this Agreement and up to two years after the Agreement End Date, in accordance with the Canadian Auditing Standards and Section 18.3 (Accounting Principles).

11.2 [INTENTIONALLY OMITTED]

11.3 EVALUATION

The Recipient agrees to cooperate with Canada in the conduct of any evaluation of the Program during or after the term of this Agreement.

11.4 CORRECTIVE ACTION

The Recipient agrees to ensure that prompt and timely corrective action is taken in response of any audit findings and recommendations conducted in accordance with this Agreement.

11.5 RECORD KEEPING

The Recipient will keep proper and accurate financial accounts and records, including but not limited to its Contracts, invoices, statements, receipts, and vouchers, in respect of the Project, for at least six (6) years after the Agreement End Date.

11.6 ACCESS

The Recipient will provide Canada and its designated representatives with reasonable and timely access, at no cost, to the Project sites, facilities, and any documentation for the purposes of audit, evaluation, inspection and monitoring compliance with this Agreement.

12. COMMUNICATIONS

12.1 COMMUNICATIONS PROTOCOL

The Parties will comply with Schedule D (Communications Protocol).

12.2 RECOGNITION OF CANADA'S CONTRIBUTION

The Recipient will acknowledge Canada's contribution in all signage and public communication produced as part of a Project or the Agreement, in a manner acceptable to Canada, unless Canada communicates in writing to the Recipient that this acknowledgement is not required.

12.3 PUBLIC INFORMATION

The Recipient acknowledges that the following may be made publicly available by Canada:

- a) its name, the amount awarded by Canada, and the general nature of each Project; and
- b) any evaluation or audit report and other reviews related to this Agreement.

13. INTELLECTUAL PROPERTY

- a) All intellectual property that arises in the course of a Project will vest in the Recipient.
- b) The Recipient will obtain the necessary authorizations, as needed, for the implementation of a Project, from third parties who may own the intellectual property rights or other rights in respect of the Project. Canada will assume no liability in respect of claims from any third party in relation to such rights and to the Agreement.

14. DISPUTE RESOLUTION

- a) The Parties will keep each other informed of any issue that could be contentious by exchanging information and will, in good faith and reasonably, attempt to resolve potential disputes.
- b) Where the Parties cannot agree on a resolution, the Parties may explore any alternative dispute resolution mechanisms available to them to resolve the issue.
- c) Any payments related to the issue in dispute will be suspended, together with the obligations related to such issue, pending resolution.
- d) The Parties agree that nothing in this section will affect, alter or modify the rights of Canada to terminate this Agreement.

15. DEFAULT

15.1 EVENTS OF DEFAULT

The following events constitute Events of Default under this Agreement:

- a) the Recipient has not complied with one or more of the terms and conditions of this Agreement;
- b) the Recipient has not completed a Project in accordance with the terms and conditions of this Agreement;
- c) the Recipient has submitted false or misleading information to Canada or made a false or misleading representation in respect of a Project or in this Agreement, except for an error in good faith, demonstration of which is incumbent on the Recipient, to Canada's satisfaction;
- d) the Recipient has neglected or failed to pay Canada any amount due in accordance with this Agreement.

15.2 DECLARATION OF DEFAULT

Canada may declare a default if:

- i. In Canada's opinion, one or more of the Events of Default occurs;
- ii. Canada gave notice to the Recipient of the event which constitutes an Event of Default; and
- iii. the Recipient has failed, within thirty (30) business days of receipt of the notice from Canada, either to remedy the Event of Default or to notify Canada and demonstrate, to the satisfaction of Canada, that it has taken such steps as are necessary to remedy the Event of Default.

15.3 REMEDIES ON DEFAULT

In the event that Canada declares a default under Section 15.2 (Declaration of Default), Canada may exercise one or more of the following remedies, without limiting any remedy available to it at law:

- a) suspend any obligation by Canada to contribute or continue to contribute funding to a Project, including any obligation to pay an amount owing prior to the date of such

- suspension;
- b) terminate any obligation of Canada to contribute or continue to contribute funding to a Project, including any obligation to pay any amount owing prior to the date of such termination;
- c) require the Recipient to reimburse Canada all or part of the contribution paid by Canada to the Recipient;
- d) terminate the Agreement.

16. LIMITATION OF LIABILITY AND INDEMNIFICATION

16.1 DEFINITION OF PERSON

In this section, "Person" includes, without limitation, a person, the Recipient, a Third Party, a corporation, or any other legal entity, and their officers, servants, employees or agents.

16.2 LIMITATION OF LIABILITY

In no event will Canada, its officers, servants, employees or agents be held liable for any damages in contract, tort (including negligence) or otherwise, for:

- a) any injury to any Person, including, but not limited to, death, economic loss or infringement of rights;
- b) any damage to or loss or destruction of property of any Person; or
- c) any obligation of any Person, including, but not limited to, any obligation arising from a loan, capital lease or other long term obligation;

in relation to this Agreement or to any Project.

16.3 INDEMNIFICATION

The Recipient will at all times indemnify and save harmless Canada, its officers, servants, employees or agents, from and against all actions, claims, demands, losses, costs, damages, suits or other proceedings, whether in contract, tort (including negligence) or otherwise, by whomsoever brought or prosecuted in any manner based upon or occasioned by:

- a) any injury to any Person, including, but not limited to, death, economic loss or any infringement of rights;
- b) any damage to or loss or destruction of property of any Person; or
- c) any obligation of any Person, including, but not limited to, any obligation arising from a loan, capital lease or other long term obligation;

in relation to this Agreement or to any Project, except to the extent to which such actions, claims, demands, losses, costs, damages, suits or other proceedings are caused by the negligence or breach of the Agreement by an officer, servant, employee or agent of Canada in the performance of his or her duties.

17. ASSETS

- a) Assets acquired, purchased, constructed, rehabilitated, or improved, in whole or in part, through the course of a Project will be the responsibility and remain the property of the Recipient.
- b) Notwithstanding any other provision of this Agreement, the Recipient will preserve, maintain, and use any Assets for the purposes of a Project, and will not dispose of any Asset during the Asset Disposal Period, unless the Recipient notifies Canada in writing and Canada consents to the Asset's disposal.
- c) Unless otherwise agreed to by Canada, upon alternate use or disposal of any Asset, which includes selling, leasing and encumbering an Asset whether directly or indirectly, during the Asset Disposal Period, the Recipient will reimburse Canada, at Canada's discretion, in whole or in part, an amount of funds contributed by Canada to the Asset under this Agreement.

18. GENERAL

18.1 PUBLIC BENEFIT

The Parties acknowledge that their contributions to the Project are meant to accrue to the public benefit.

18.2 SURVIVAL

The Parties' rights and obligations which, by their nature, extend beyond the termination of this Agreement, will survive any termination of this Agreement.

18.3 ACCOUNTING PRINCIPLES

All accounting terms will have the meanings assigned to them, all calculations will be made and all financial data to be submitted will be prepared, in accordance with the Generally Accepted Accounting Principles (GAAP) in effect in Canada as defined in the Chartered Professional Accountants (CPA) Canada Handbook - Accounting or, where applicable, the CPA Canada Public Sector Accounting.

18.4 DEBTS DUE TO THE FEDERAL CROWN

Any amount owed to Canada under this Agreement by the Recipient will constitute a debt due to the federal Crown, which the Recipient will reimburse to Canada forthwith on demand.

18.5 INTEREST ON DEBTS DUE TO THE FEDERAL CROWN

Debts due to the federal Crown by the Recipient will accrue interest in accordance with the federal *Interest and Administrative Charges Regulations*.

18.6 SET-OFF BY CANADA

Any debt due to the federal Crown by the Recipient may be set-off against any amounts payable by Canada to the Recipient under this Agreement.

18.7 MEMBERS OF THE HOUSE OF COMMONS AND SENATE

No member of the House of Commons or the Senate of Canada will be admitted to any share or part of this Agreement, or to any benefit arising from it that is not otherwise available to the public. The Recipient will promptly inform Canada should it become aware of the existence of any such situation.

18.8 CONFLICT OF INTEREST

No current or former public servant or public office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Canada applies will derive direct benefit from this Agreement unless the provision or receipt of such benefits is in compliance with such legislation, guidelines, policies or codes. The Recipient will promptly inform Canada should it become aware of the existence of any such situation.

18.9 NO AGENCY, PARTNERSHIP, JOINT VENTURE, ETC.

- a) No provision of this Agreement and no action by the Parties will establish or be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between

Canada and the Recipient or between Canada and a Third Party.

- b) The Recipient will not represent itself, including in any agreement with a Third Party, as a partner, employee or agent of Canada.

18.10 NO AUTHORITY TO REPRESENT

Nothing in this Agreement is to be construed as authorizing any person, including a Third Party, to contract for or to incur any obligation on behalf of Canada or to act as an agent for Canada. The Recipient will take the necessary action to ensure that any Contract between the Recipient and any Third Party contains a provision to that effect.

18.11 ASSIGNMENT

The Recipient will not transfer or assign its rights or obligations under this Agreement without the prior written consent of Canada. Any attempt by the Recipient to assign any of the rights, duties or obligations of this Agreement without Canada's express written consent is void.

18.12 COUNTERPART SIGNATURE

This Agreement may be signed in counterpart, and the signed copies will, when attached, constitute an original agreement.

18.13 SEVERABILITY

If for any reason a provision of this Agreement that is not a fundamental term of this Agreement between the Parties is found to be or becomes invalid or unenforceable, in whole or in part, and if both Parties agree, it will be deemed to be severable and will be deleted from this Agreement, but all the other terms and conditions of this Agreement will continue to be valid and enforceable.

18.14 AMENDMENTS

This Agreement, including its schedules, can only be amended in writing by the Parties.

18.15 WAIVER

A Party may waive any of its rights under this Agreement only in writing. Any tolerance or indulgence demonstrated by the Party will not constitute a waiver.

18.16 NOTICE

- a) Any notice, information or required documentation provided for under this Agreement must be delivered in person or sent by mail, email, messenger or facsimile to the identified representatives of the Parties at the following coordinates, unless otherwise specified by Canada:

Canada:

Director, Transportation Infrastructure Program
Transport Canada
Place de Ville, Tower C, 19th Floor
330 Sparks Street
Ottawa, Ontario
K1A 0N5

Email: TC.RSIPITR-PASFITR.TC@tc.gc.ca

Recipient:

Janice Verhaeghe
300 Dufferin Avenue,
London, Ontario
N6A 4L9

Email: jverhaeg@london.ca

- b) Such notice will be deemed to have been received:
 - i. in person, when delivered;
 - ii. if sent by mail, email or facsimile, when receipt is acknowledged by the other Party;
 - iii. if sent by messenger or registered mail, when the receiving Party has signed the acknowledgment of reception.
- c) If a Party changes its representative or the coordinates for that representative, it will advise the other Party as soon as possible.

18.17 COMPLIANCE WITH LAWS

The Recipient will comply with all applicable laws and regulations and all requirements of regulatory bodies having jurisdiction over the subject matter of the Project.

18.18 GOVERNING LAW

This Agreement is governed by the laws applicable in the Province of Ontario.

18.19 SUCCESSORS AND ASSIGNS

This Agreement is binding upon the Parties and their respective successors and assigns.

19. SIGNATURES

This Agreement has been executed on behalf of Her Majesty the Queen in right of Canada by the Minister of Transport and on behalf of the City of London by the Mayor and City Clerk

HER MAJESTY THE QUEEN IN RIGHT
OF CANADA

THE CORPORATION OF THE CITY OF
LONDON

Per: Emilia Warriner
Director, Transportation Infrastructure
Program

Per: Matt Brown
Mayor

Date

Date

Per: Cathy Saunders
City Clerk

Date

SCHEDULE A – ELIGIBLE AND INELIGIBLE EXPENDITURES

SCHEDULE A.1: ELIGIBLE EXPENDITURES

Eligible Expenditures must:

- be reasonable and directly related to a Project, as determined by Canada;
- must not exceed the rates described in the *Guide to Railway Charges for Crossing Maintenance and Construction* (the “Guide”)
- be incurred between the date Canada received the recipient’s application for Program funding and the Final Claim Date; and
- consist of the following categories of expenditures:
 - Staff salaries and benefits;
 - Purchase and lease of capital assets, technology, equipment and supplies;
 - Professional services, including accounting, translation, audit and consulting;
 - Planning, design and evaluation;
 - Engineering and environmental reviews and follow-up measures;
 - Expenditures related to construction and rehabilitation of assets (including fees paid to general contractors and labourers, materials, licenses, permits, and the rental of construction machinery and equipment, and fees paid to power supply companies);
 - Licenses and permits
 - Expenditures for Aboriginal consultations, specifically project-related consultation activities pursuant to the Crown’s legal duty to consult;
 - Administrative expenditures (including general administration expenditures, rent, insurance, office equipment rental, and membership fees);
 - Travel expenditures (including the cost of accommodations, vehicle rental and kilometric rates, bus, train, airplane or taxi fares, allowances for meals and incidentals). Travel and per diem expenses cannot be more than the rates and allowances determined in the Travel Directive of the National Joint Council, available at the following link: <http://www.njc-cnm.gc.ca/directive/index.php?did=10&dlabel=travel-voyage&lang=eng&merge=2&slabel=index>;
 - Other costs that are, in the opinion of the Minister or his/her delegated representative, considered to be direct, reasonable, and incremental for the successful implementation of a project and have been approved in writing prior to being incurred.

For the purposes of determining Eligible Expenditures, and notwithstanding the material overhead rates set out in Schedule C to the Guide, the overhead rate applicable to pre-wired packages will be the allowance for contract overheads set out in Schedule D of the Guide.

Eligible Expenditures can be cash-equivalent expenditures associated with In-Kind Contributions. These expenditures may be reimbursed so long as the following three criteria are met:

- 1) The associated costs are deemed as Eligible Expenditures and have been approved by Canada;
- 2) The associated costs are not a donation received from a third party; and
- 3) The associated costs are related to goods, services or other support that would otherwise be purchased and paid for by the Recipient as essential for a Project.

In-Kind Contributions received from a third party are considered donations and may form part of the total Eligible Expenditures of a Project, but are not reimbursable.

SCHEDULE A.2: INELIGIBLE EXPENDITURES

The following expenditures shall be considered ineligible, and therefore will not be considered in the calculation of the total eligible expenditures of a Project:

- Costs incurred before the date Canada received the recipient's application for Program funding or after the Final Claim Date;
- Expenditures for provincial sales tax and Goods and Services Tax, or the Harmonized Sales Tax, where applicable, for which the Recipient is eligible for a rebate, and any other costs eligible for rebates;
- Purchase of land and/or buildings, related real estate fees, and vehicles;
- Financing charges and interest payments on loans; and
- Expenditures that have been reimbursed from other sources of funding, federal statutes or funding programs.
- Personal mileage to and from Recipient's employees' homes.

SCHEDULE B – THE PROJECTS

SCHEDULE B.1: DESCRIPTION OF PROJECTS

Description of Projects:

The Projects involve grade crossing improvements in the Province of Ontario.

Objective(s):

The objective of the Projects is to enhance public safety at the public grade crossings described in Schedule B.2 (Projects and Cashflow) to reduce the risk of collisions, fatalities and injuries.

Activities:

The Projects consists of improvements to the crossings described in Schedule B.2 (Projects and Cashflow) through undertaking the following activities:

- Relocation and installation of signage, pavement markings, approach surface resurfacing
- Median separation and vegetation removal
- Sidewalk replacement

Project Outcomes:

In order to illustrate how the Projects will contribute to rail safety, the Recipient will collect performance data and report on the following performance indicators that the Projects will contribute to:

- Number of installed new crossing warning system barrier gates;
- Number of installed cantilever structures;
- Number of new interconnection cable ducts from traffic controller to rail crossing bungalow.

This data is collected only for the purpose of performance measurement and reporting to Canadians.

SCHEDULE B.2: PROJECT AND CASHFLOW

Name of Project	Description of Project	Estimated Total Project Expenditures	Estimated Total Eligible Project Expenditures	Estimated Contribution by Canada	Estimated contribution to Eligible Expenditures per Party, per Fiscal Year	
	(Main technical and financial stages, location, construction methods, etc.)				Contributor	2018-19
Project 1 - Mile 73.10 Dundas Subdivision, Gore Road	Installation of signage, pavement markings, approach surface resurfacing	\$36,000.00	\$36,000.00	\$28,800.00	Canada	\$28,800.00
					Recipient	\$7,200.00
Project 2 - Mile 77.66 Dundas Subdivision, Colborne Street	Installation of signage, pavement markings, vegetation removal, approach surface resurfacing.	\$46,500.00	\$46,500.00	\$37,200.00	Canada	\$37,200.00
					Recipient	\$9,300.00
Project 3 - Mile 0.17 Windsor Subdivision, St. George Street	Installation of signage, pavement markings, median separation, and vegetation removal.	\$39,000.00	\$39,000.00	\$31,200.00	Canada	\$31,200.00
					Recipient	\$7,800.00
Project 4 – Mile 0.05 Windsor Subdivision, Richmond Street	Installation of signage, remove old pavement markings, approach surface resurfacing, and sidewalk replacement.	\$21,500.00	\$21,500.00	\$17,200.00	Canada	\$17,200.00
					Recipient	\$4,300.00
Project 5 – Mile 76.84 Dundas Subdivision, Rectory Street	Installation/relocation of signage, pavement markings, approach surface resurfacing.	\$14,000.00	\$14,000.00	\$11,200.00	Canada	\$11,200.00
					Recipient	\$2,800.00
Project 6 –Mile 118.77 Guelph Subdivision, Highbury Avenue	Installation of signage, pavement markings, vegetation removal.	\$8,500.00	\$8,500.00	\$6,800.00	Canada	\$6,800.00
					Recipient	\$1,700.00
Project 7 –Mile 77.36 Dundas Subdivision, William Street	Installation of signage, pavement markings, vegetation removal.	\$25,500.00	\$25,500.00	\$20,400.00	Canada	\$20,400.00
					Recipient	\$5,100.00
Project 8 – Mile 77.51 Dundas Subdivision, Maitland Street	Relocation and installation of signage, crossing surface resurfacing including sidewalk replacement, and pavement markings.	\$21,000.00	\$21,000.00	\$16,800.00	Canada	\$16,800.00
					Recipient	\$4,200.00

Name of Project	Description of Project	Estimated Total Project Expenditures	Estimated Total Eligible Project Expenditures	Estimated Contribution by Canada	Estimated contribution to Eligible Expenditures per Party, per Fiscal Year	
	(Main technical and financial stages, location, construction methods, etc.)				Contributor	2018-19
Project 9 – Mile 76.44 Dundas Subdivision, Egerton Street	Installation of signage, and pavement markings.	\$6,000.00	\$6,000.00	\$4,800.00	Canada	\$4,800.00
					Recipient	\$1,200.00
Project 10 – Mile 73.97 Dundas Subdivision, Clarke Road	Installation of signage, pavement markings, approach surface resurfacing, and sidewalk replacement.	\$15,500.00	\$15,500.00	\$12,400.00	Canada	\$12,400.0
					Recipient	\$3,100.00
TOTAL		\$233,500.00	\$233,500.00	\$186,800.00	Canada	\$186,800.00
					Recipient	\$46,700.00

For greater certainty, Canada's total contribution cannot exceed the amount set out in Section 3.1 (Contribution by Canada).

SCHEDULE C – CERTIFICATE(S) OF COMPLIANCE FOR CLAIMS

SCHEDULE C.1: CERTIFICATE OF COMPLIANCE FOR PROGRESS CLAIM

In the matter of the Agreement entered into between Her Majesty the Queen in right of Canada, as represented by the Minister of Transport, and the City of London (the “Recipient”), represented by _____(Name), concerning the Grade Crossing Improvements Project (the “Agreement”).

I, _____(Name), of the City/Town of _____, Province/Territory of _____, declare as follows:

1. That I hold the position of _____ with the Recipient and as such have knowledge of the matters set forth in this declaration and believe this declaration to be true.
2. I am duly authorized by the Recipient to give this Certificate under **[RECIPIENT INSERTS THE COMPLETE REFERENCE TO THE BY LAW OR INTERNAL POLICY AUTHORITY THAT ALLOWS THEM TO PROVIDE THIS CERTIFICATION]** dated **[DATE]**.
3. I have read and understood the Agreement and the progress claim submitted by the Recipient thereunder dated the same date as this Certificate and have knowledge of the business and affairs of the Recipient and have made such examinations or investigations as are necessary to give this Certificate and to ensure that the information contained herein is true and accurate.
4. The expenditures claimed are Eligible Expenditures in accordance with the Agreement.
5. The Recipient, at the date of this Certificate, has performed all covenants under the Agreement that are required to be performed by it on or prior to that date.
6. All representations and warranties of the Recipient contained in the Agreement are true and accurate in all respects at the date of this Certificate as though such representations and warranties had been made at the date of this Certificate.

Dated, this _____ day of _____ 20____

Signature

SCHEDULE C.2: CERTIFICATE OF COMPLIANCE FOR FINAL CLAIM

In the matter of the Agreement entered into between Her Majesty the Queen in right of Canada, as represented by the Minister of Transport, and the City of London (the "Recipient"), represented by _____(Name), concerning the Grade Crossing Improvements Project (the "Agreement").

I, _____(Name), of the City/Town of _____, Province/Territory of _____, declare as follows:

1. That I hold the position of _____ with the Recipient and as such have knowledge of the matters set forth in this declaration and believe this declaration to be true.
2. I am duly authorized by the Recipient to give this Certificate under [RECIPIENT INSERTS THE COMPLETE REFERENCE TO THE BY LAW OR INTERNAL POLICY AUTHORITY THAT ALLOWS THEM TO PROVIDE THIS CERTIFICATION] dated [DATE].
3. I have read and understood the Agreement and the final claim submitted by the Recipient thereunder dated the same date as this Certificate and have knowledge of the business and affairs of the Recipient and have made such examinations or investigations as are necessary to give this Certificate and to ensure that the information contained herein is true and accurate.
4. The Recipient, at the date of this Certificate, has performed all covenants under the Agreement that are required to be performed by it on or prior to that date.
5. The expenditures claimed are Eligible Expenditures in accordance with the Agreement.
6. All representations and warranties of the Recipient contained in the Agreement are true and accurate in all respects at the date of this Certificate as though such representations and warranties had been made at the date of this Certificate.
7. The Project as defined in the Agreement has been completed.

[If applicable, add:]

8. All applicable mitigation measures, accommodation measures and follow-up measures required to be performed during the Project implementation as a result of Aboriginal consultations have been implemented.
9. The Total Financial Assistance received or due for the Project in accordance with Section 3.2 c) (Commitments by the Recipient) is as follows:
[INCLUDE ALL TOTAL FINANCIAL ASSISTANCE RECEIVED OR DUE]
10. This Certificate of Compliance does not preclude any rights of Canada to verify, audit or inspect as per the terms and conditions of the Agreement.
11. The Recipient is not entitled to payment of any amount under the Agreement, other than any amount requested by the Recipient in accordance with the Agreement on or prior to the date of this Certificate.

Dated, this _____ day of _____ 20____

Signature

SCHEDULE D – COMMUNICATIONS PROTOCOL

GENERAL

1. Canada and the Recipient agree to undertake joint communications activities and products that will enhance opportunities for open, transparent, effective and proactive communications with citizens through appropriate, continuous, and consistent public information activities that recognize the contribution of the Parties and, where applicable, any other contributor.
2. The mechanisms for such communications and public information activities and products will be determined by Canada.
3. All public information material in relation to this Agreement will be prepared jointly and in both official languages and will equitably reflect the funding of all contributors to the Project. This requirement is not needed for tendering documents; the Recipient will carry out any tendering processes in accordance with its own policies, guidelines and governing laws.

COMMUNICATING WITH THE PUBLIC

Public Information Products

The Parties may jointly develop information kits, brochures, public reports, and website material for the public about the Projects.

News Releases

A joint news release may be issued when the Agreement is signed and/or at appropriate milestones such as start of Project work or completion of the Project. A news release may include quotations from a federally, provincially, or municipally elected official or, where applicable, any other contributor. Canada must agree on these quotations.

Press Conferences, Public Announcements and Other Joint Events

The Parties will co-operate in organizing press conferences, announcements or official ceremonies. Canada should also agree on the messages and public statements at such events. No public announcement for a Project under this Agreement will be made by the Recipient or, where applicable, any other contributor, unless Canada has been informed of it at least thirty (30) business days in advance.

Either Party may organize a joint press conference. The requestor will give the other Party reasonable notice of at least thirty (30) business days of such a press conference, public announcement or joint event.

Signage

Prior to the implementation of a Project under this Agreement, and as directed by Canada, the Recipient agrees to supply, erect, and maintain signage consistent with federal/provincial identity graphics guidelines, and in both official languages specifying that the Project is financed by contributions from the Government of Canada and the Recipient or such wording as may have been or may be agreed upon by Canada.

COMMUNICATION COSTS

The eligibility of costs related to communication activities that provide public information on this Agreement will be subject to Schedule A (Eligible and Ineligible Expenditures) and must be agreed to in advance by Canada.

SCHEDULE E – DECLARATION OF COMPLETION

In the matter of the Agreement entered into between Her Majesty the Queen in right of Canada, as represented by the Minister of Transport, and the City of London (the “Recipient”), represented by _____(Name), concerning the Grade Crossing Improvements Project (the “Agreement”).

I, _____(Name), of the City/Town of _____,
Province/Territory of _____, declare as follows:

1. I hold the position of _____with the Recipient and as such have knowledge of the matters set forth in this declaration and believe this declaration to be true.
2.
 - a) I have received the following documents for the [Grade Crossing] Project:
 - i. [LIST NAME OF RELEVANT DOCUMENT(S), e.g. Certificate of Completion, Certificate of Performance, Occupancy Permit, etc.] signed by _____ (Name), a _____ (Profession, e.g. professional engineer, professional architect or other applicable professional) for the Project.
 - ii. [ADD SAME TEXT AS IN i FOR EACH DOCUMENT]
 - b) Based on the above documents and the representations made to me by the professionals identified in section 2(a) above, I declare to the best of my knowledge and belief that the Project has been completed, as described in Schedule B.1 (Description of Projects), as defined in the Agreement, on the _____ day of the _____ 20__.

[Insert #3, if applicable:]

3. I have received the following documents and based on these documents and representations made to me by the professionals identified below, I declare to the best of my knowledge and belief that the Project conforms with the guidelines referenced in Section 3.7 (Guidelines) of the Agreement:
 - i. [LIST NAME OF RELEVANT DOCUMENT(S), e.g. Certificate of Completion, Certificate of Performance, Occupancy Permit, etc.] signed by _____ (Name), a _____ (Profession, e.g. professional engineer, professional architect or other applicable professional) for the Project.
 - ii. [ADD SAME TEXT AS IN i FOR EACH DOCUMENT]
4. All terms and conditions of the Agreement that are required to be met as of the date of this declaration have been met.

Declared at _____ (City/Town), in _____
(Province/Territory)

this _____ day of _____, 20_____.

Signature

Appendix "A"

Lease Extension Agreement

THIS EXTENSION AGREEMENT made the ____ day of _____, 2018.

BETWEEN:

The Corporation of the City of London
(the "Landlord")
AND
The Canadian Medical Hall of Fame
(the "Tenant")

WHEREAS:

1. By a lease dated April 25, 2017 (the "Lease"), the Landlord leased to the Tenant the premises (the "Premises") more fully described in the Lease and being located municipally at 267 Dundas Street, London, ON for a term of Eighteen (18) months from October 1, 2017 to March 31, 2019, upon and subject to the terms and conditions set forth in the Lease;
2. The parties wish to extend the term of the lease as hereinafter provided.

NOW THEREFORE for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby covenant and agree with each other as follows:


1. The Term of the Lease is hereby extended for the period (the "Extension Term") of four months from April 1, 2019 to July 31, 2019, with no further rights to extend or renew.
2. The Tenant shall pay Basic Rent during the Extension Term, at the times and in the manner provided in the Lease.
3. The Tenant shall pay all Additional Rent and other charges and expenses payable pursuant to the Lease during the Extension Term, at the times and in the manner provided in the Lease.
4. The Tenant agrees that it will accept the Premises "as is" and, without limitation, any tenant allowances, rent free periods, Landlord's Work or other Landlord construction obligations and other inducements (if any) contained in the Lease do not apply to the Extension Term.
5. This Agreement shall be read together with the Lease and the parties confirm that, except as modified herein, all covenants and conditions in the Lease remain unchanged, unmodified and in full force and effect.
7. Any capitalized word or term not otherwise defined herein shall have the meaning given thereto in the Lease.
8. If the Lease is terminated by the Landlord before the end of the current Term pursuant to any right of the Landlord under the Lease, then, without limiting any other rights or remedies of the Landlord, the Extension Term shall not commence.
9. The parties agree, from time to time, to do or cause to be done all such things, and shall execute and deliver all such documents, agreements and instruments reasonably requested by another party, as may be necessary or desirable to complete the extension contemplated by this Agreement and to carry out its provisions and intention.
10. This Agreement shall enure to the benefit of and be binding upon the parties and their legal representatives, heirs, executors, administrators, successors and permitted assigns, as the case may be.

IN WITNESS WHEREOF the Corporation of the City of London has hereunto caused to be affixed its Corporate Seal attested by the hands of its proper signing officers pursuant to the

authority contained in By-law No. _____ of the Council
of the Corporation of the City of London passed the _____ day of _____.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

Canadian Medical Hall of Fame

Per:  *Lissa Foster.*
Name: _____ *Executive Director*
Title: _____

I/We have authority to
bind the Corporation

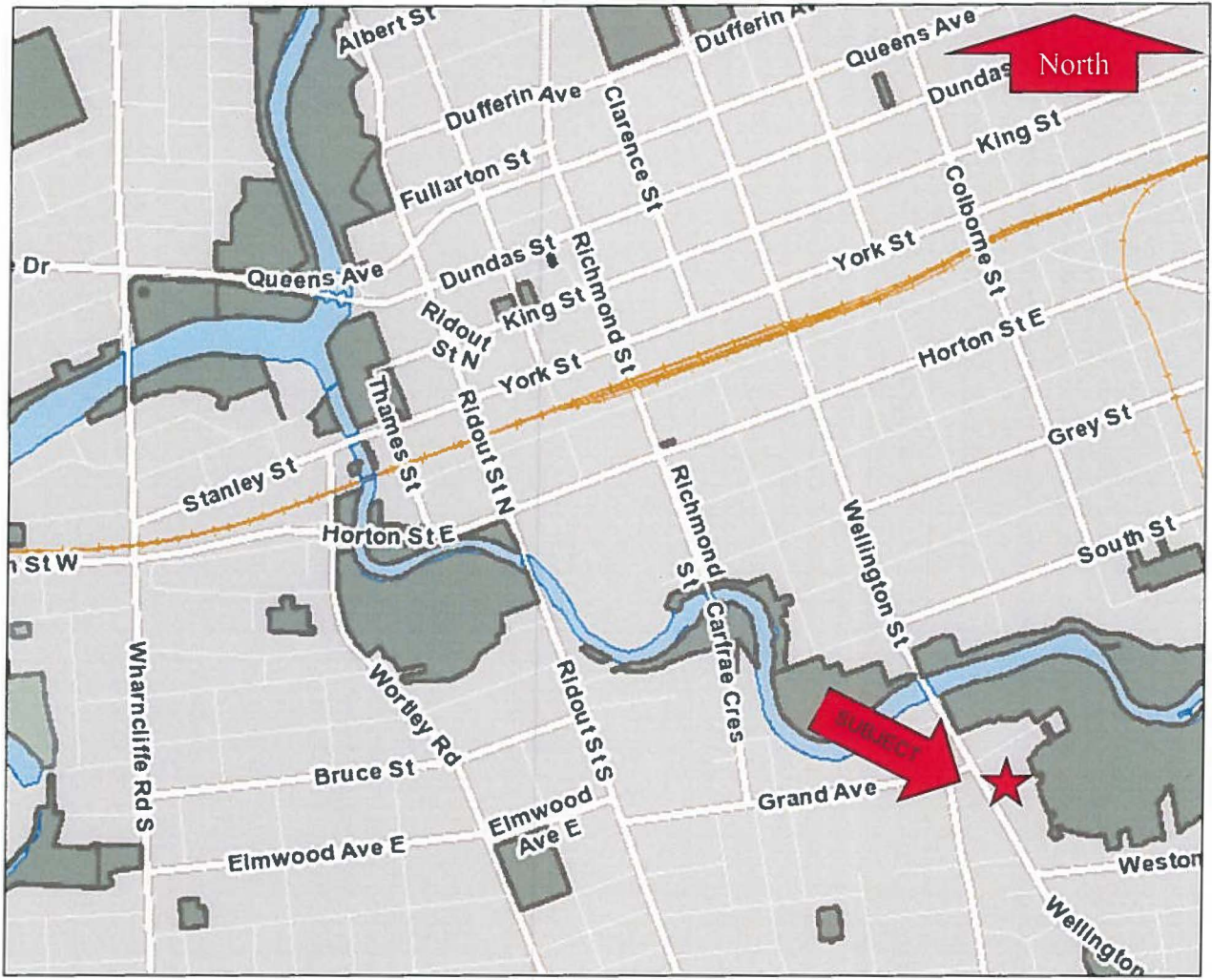
Per: _____
Name: _____
Title: _____

Corporation of the City of London

Per: _____
Matt Brown, Mayor

Per: _____
Catharine Saunders, City Clerk

Location Map



Chair and Members
 Corporate Services Committee

RE: **Property Acquisition - Bus Rapid Transit Project**
(Subledger LD180029)
Capital Project TS1430-1 - RT 1: Wellington Rd - Bradley Ave to Horton St S Leg Widening
32 Wellington Road

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the detailed source of financing for this purchase is:

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Revised Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance For Future Work</u>
Engineering	\$2,141,632	\$2,141,632	\$2,141,590		\$42
Land Acquisition	2,063,000	1,944,884	1,083,768	227,852	633,264
Construction	1,000	1,000	445		555
City Related Expenses	768,000	886,116	886,116		0
NET ESTIMATED EXPENDITURES	\$4,973,632	\$4,973,632	\$4,111,919	\$227,852 1)	\$633,861
SOURCE OF FINANCING					
Capital Levy	\$261,232	\$261,232	\$168,996	\$27,164	\$65,073
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2) 1,930,000	1,930,000	1,248,550	200,688	480,761
PTIF (Public Transit Infrastructure Fund)	2,782,400	2,782,400	2,694,373		88,027
TOTAL FINANCING	\$4,973,632	\$4,973,632	\$4,111,919	\$227,852	\$633,861

1) Financial Note:

Purchase Cost	\$222,000
Add: Land Transfer Tax	1,945
Add: HST @13%	28,860
Less: HST Rebate	(24,953)
Total Purchase Cost	\$227,852

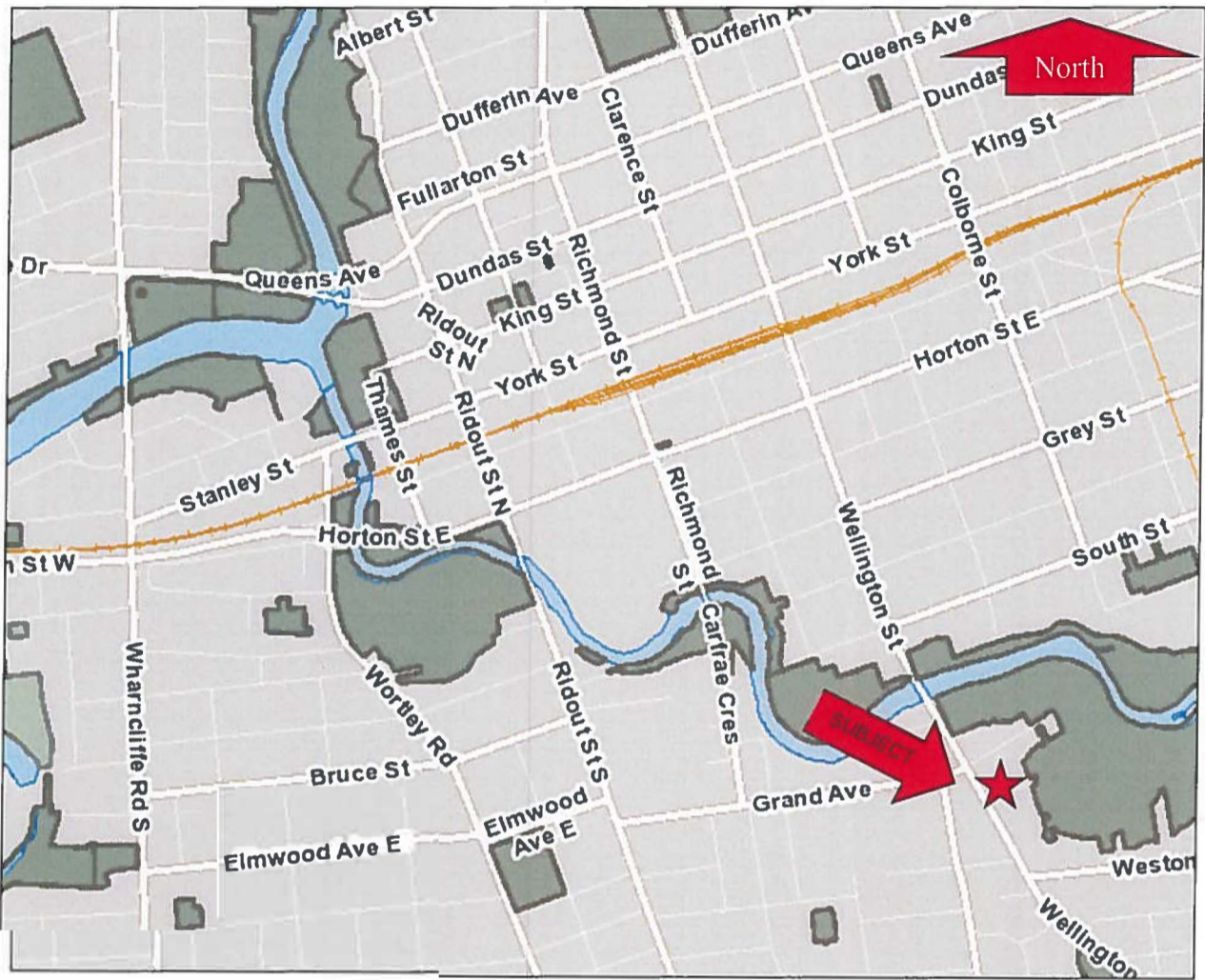
2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.

ms



Jason Davies
 Manager of Financial Planning & Policy

Location Map



APPENDIX "A"
CONFIDENTIAL - Released in
Public

#18137
August 14, 2018
(Property Acquisition)

Chair and Members
Corporate Services Committee

RE: Property Acquisition - Bus Rapid Transit Project
(Subledger LD180030)
Capital Project TS1430-1 - RT 1: Wellington Rd - Bradley Ave to Horton St S Leg Widening
34 Wellington Road

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the detailed source of financing for this purchase is:

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance For Future Work</u>
Engineering	\$2,141,632	\$2,141,590		\$42
Land Acquisition	1,944,884	1,311,620	318,581	314,683
Construction	1,000	445		555
City Related Expenses	886,116	886,116		0
NET ESTIMATED EXPENDITURES	<u>\$4,973,632</u>	<u>\$4,339,771</u>	<u>\$318,581</u> 1)	<u>\$315,280</u>
SOURCE OF FINANCING				
Capital Levy	\$261,232	\$196,159	\$37,980	\$27,092
Drawdown from City Services - Roads Reserve Fund (Development Charges)	1,930,000	1,449,239	280,601	200,161
PTIF (Public Transit Infrastructure Fund)	2,782,400	2,694,373		88,027
TOTAL FINANCING	<u>\$4,973,632</u>	<u>\$4,339,771</u>	<u>\$318,581</u>	<u>\$315,280</u>

1) Financial Note:

Purchase Cost	\$310,000
Add: Land Transfer Tax	3,125
Add: HST @13%	40,300
Less: HST Rebate	(34,844)
Total Purchase Cost	<u>\$318,581</u>

2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.

ms



Jason Davies
Manager of Financial Planning & Policy



Architectural Conservancy Ontario – London Region Branch
Grosvenor Lodge
1017 Western Road
London, ON N6G 1G5

Wednesday, September 12, 2018

Members of London City Council:

Re: Reinstatement of Demolition Control By-Law

Dear Councillors:

In a letter addressed August 21, 2018 to Planning and Environment Committee (PEC Meeting, September 10, 2018, Item #4.3) I recommended that Council reinstate London’s former Demolition Control By-Law that was repealed in 2010. ACO London is disappointed that PEC did not forward the letter to city staff for further study. I am therefore sending this more complete account of ACO London’s findings:

Background

The Ontario *Planning Act* authorizes cities to identify areas where the demolition of residential property may be controlled. Within an identified area, which could be the entire area of the city or any part of it, a permit may be required before an existing residential building can be demolished. Under the permit process, the municipality may require conditions for the demolition, such as requiring the new building to be constructed within a specified time. (Planning Act, section 33)

Under this authority, the London City Council enacted a Demolition Control By-law in 1992 (CP-1313-224) and the entire city was included in the demolition control area. The By-law required the Director of Building Controls to report on a request for residential demolition to the Planning Committee (subsequently renamed the Built and Natural Environment Committee) a Standing Committee of the City Council

On March 8, 2010, the City Council asked that planning staff review the by-law and determine whether it could be amended to allow Civic Administration to act as the approval authority instead of the council under certain circumstances.

In response, city planning staff recommended that the Demolition Control Area By-law be repealed and a new system of demolition permit application be implemented in order to “streamline” the process. (Staff Report dated December 13, 2010, item 18 BNE Committee)

The repeal was passed by Council on December 20, 2010 and was effective immediately. This meant that (non-heritage) residential demolition applications no longer needed council approval under the *Planning Act* but could be issued by staff under the *Building Code Act* and *Building Code Regulations*.



Rationale for the repeal is not justifiable

The stated purpose of the repeal was to “streamline” the demolition application process to remove the requirement of Council approval under the 1992 Demolition Control By-Law.

In reaching this recommendation that the previous Demolition Control By-law should be reinstated, the objections raised in the December 2010 Staff Report were reviewed and evaluated. The staff report identified the following issues [*ACO comments italicized in brackets*]:

There are a number of concerns respecting the demolition process of residential buildings arising from the By-law:

- Demolition applications for a residential building must go through a different process than non-residential building demolitions.
[There is nothing inherently wrong or inefficient with having a different process for residential buildings. Given the special importance of housing, such a difference is even beneficial.]
- The time required to obtain approval from Council can range from 4 to 8 weeks (in summer); this can cause serious construction delays for builders and developers.
[The same could be said for any discretionary approval. In any event, there are time limits built into the Planning Act to protect developers from undue delay.]
- There is a cost to the City with respect to inspecting and obtaining information, producing pictures, drafting reports, and attending meetings for these applications.
[The same could be said for any discretionary approval. Such reasonable costs associated with any proposal should be captured in the application fee.]
- Under the Planning Act, to refuse a demolition would require sound planning rationale. Additionally, through the Ontario Heritage Act, Council would have to designate the building to stop the demolition. The refusal of a demolition application must be sound, otherwise it may be grounds for reversal from an appeal body.
[Such “sound planning rationale” would still be required. There is nothing inherently burdensome or unusual about the review process that would be in effect for a newly reinstated By-law. Currently, such an appeal would go to the local review authority (LPAT) which has replaced the OMB.]
- The appeal mechanism is different under the Planning Act than the Building Code Act. Planning Act appeals are heard by the Ontario Municipal Board whereas Building Code Act appeals are through the Superior Court of Justice.
[The review process under the Planning Act remains reasonable and accessible.]
- The changes to the Ontario Heritage Act provide the ability to capture any property that is listed or designated. Staff must report on these properties separately for direction from Council. As such, the demolition report and approval under the Demolition Control Area By-law is superseded by this process.
[Reinstating the Demolition Control Area By-law would not detract from the Heritage review process which remains in effect. It would enable the review of a broader set of residential properties where there is now a regulatory gap.]

- The time of application is not clearly understood, this is particularly true for heritage type applications. Under the Planning Act, Council has 30 days to render a decision regarding the demolition, under the Heritage Act it is 60 or 90. The timeframe commences when the application is deemed complete, when all the required information is submitted. However, there has been some confusion and conflict regarding the timing of application submissions.
[Any such confusion should be more precisely identified and it can be addressed in a new By-law under the Planning Act.]
- The issuance of a demolition permit under the Planning Act is also problematic as once approval is given, there is little control afforded to the Chief Building Official respecting the demolition of the building. As all residential demolitions obtain approval from Council, there is concern that larger scale residential building demolitions may not be required to comply with Building Code regulations (e.g. demolition control plan by Engineer, field reviews, clearances, etc.).
[Any such concern would be addressed in the new By-law.]
- Where a building is deemed to be unsafe, the Chief Building Official may order the demolition. There have been circumstances where an order has been given to make a building safe and the owner wished to demolish the building to satisfy the order. However, due to the requirements of the By-law, the reporting process needs to be followed. Buildings may have fire or environmental damage but, because they are not an immediate threat, temporary remedial works are undertaken and then funneled through the demolition approval process, leaving buildings exposed and in disrepair for a significant period of time.
[Any such immediate safety concerns would be addressed through an exception written into the By-law.]
<http://council.london.ca/councilarchives/agendas/built%20and%20natural%20environment/bnec%20agendas%202011/2010-12-13%20agenda/item%2018.pdf>

To summarize these responses, the stated concerns do not justify the full repeal of the existing by-law and the removal of the protections afforded to the public under the *Planning Act*.

In addition to the authority under the *Planning Act*, the *Municipal Act* gives municipalities the authority to enact by-laws regulating the demolition of multi-unit residential rental properties, or the conversion of such rental properties to other uses (i.e., residential condos). These by-laws may require that the new building include a sufficient number of replacement units, or could require a contribution to a replacement fund for the development of new affordable housing. Whereas demolition controls under the *Planning Act* were subject to appeal to the OMB (now to the LPAT), there is no such appeal under the *Municipal Act* from a municipal refusal to issue a permit for the demolition or conversion.

Volume of Residential Demolition Applications under the 2010 By-Law

One of the problems with handling residential demolition applications under the *Building Code Act* and *Regulations* is the loss of transparency to the public. Under the *Planning Act*, applications are held open to the public and placed on the public agenda of a standing council committee. Under the *Building Code Act*, the application is considered an administrative matter and the files are not readily accessible to the public.

In the course of its research, ACO attempted to ascertain the volume of the demolition applications since the 2010 repeal. Was the volume of demolition applications under the new policy material? This information was not readily available and city staff indicated it would be necessary to file a records request under MFIPPA to obtain the information. Based on the records obtained through the request, the volume of applications for residential demolitions was as follows:

Year	# of Applications
2011	52
2012	68
2013	68
2014	71
2015	76
2016	65
2017	78

This data confirms that the number of demolition applications was, in fact, material.

Other considerations

In addition to providing an additional level of protection from residential demolitions, such a By-law is also recognized as a mechanism to retain affordable housing, to encourage maintenance of the existing housing stock, and to promote revitalization. (see *Municipal Tools for Affordable Housing* (2011, section 2.25)

<http://www.mah.gov.on.ca/AssetFactory.aspx%3Fdid%3D9270>

Other Ontario municipalities have enacted measures pursuant to Section 33 of the *Planning Act* which could be used as a model. While other cities have delegated certain tasks to staff, they have generally stayed within the *Planning Act* framework. In this regard, London appears to be an outlier. The fact that there was needed to resort to an MFIPPA request to obtain information that was previously openly accessible to the public underscores the need for the greater transparency

Recommendation

London City Council should reinstate the *Demolition Control By-Law* that was repealed in December 2010 with appropriate updates.

Sincerely,

Jennifer Grainger
President, ACO London



To: City Clerk , Mayor, Councillors

Re: 14th PEC, Item #4.3 – Reinstatement of Demolition Control By-Law

Section 33 of The Ontario *Planning Act* provides municipalities with broad powers to control demolitions of residential properties. In 1992, London City Council enacted such a Demolition Control By-law in 1992 and it designated the entire city as the demolition control area. Under the By-law the Director of Building Controls reported on a request for residential demolition a standing Council Committee. This by-law was repealed in December of 2010. The repeal meant that (non-heritage) demolition applications no longer needed council approval under the Planning Act but could instead be issued administratively under the Building Code Act and Building Code Regulations.

I am writing in support of the request before you from ACO London to consider reinstating a Demolition By-Law under the authority of the Planning Act.. Without repeating the details of their submission, I'd like to stress a few points.

- While the stated purpose of the 2010 repeal was to “streamline” the demolition application process to remove the requirement of Council approval under the Planning Act, this goal could have been met without a full repeal There are important differences between the operation of the Planning Act and the Building Code Act and Regulations, and the public benefits of the Planning Act process could have been maintained.
- Demolition Control By-Laws under the Planning Act have been recognized by the Province as a mechanism to retain affordable housing, to encourage maintenance of the existing housing stock, and to promote revitalization. (Municipal Tools for Affordable Housing (2011, section 2.25, <http://www.mah.gov.on.ca/AssetFactory.aspx%3Fdid%3D9270>)
- The current mechanism under the Building Code Act is not transparent. It is difficult for the public to get up to date information about residential demolitions. The monthly report to council does not contain an adequate level of detail and in any event it does not give the public any notice prior to the issuance of a demolition permit. ACO London needed to resort to an MFIPPA request in order to compile basic data about the number of demolitions which have been provided to you.
- Other cities have adopted “hybrid” by-laws where the Planning Act framework is retained coupled with specific delegations. Cambridge and Waterloo delegate certain approvals to administration, but if staff decides to reject an application or approve it with conditions, then it must go to council. There are other variations that could be considered if there is a concern with overloading council agendas.

In summary, City Council should revisit the full repeal of the Demolition Control By-Law and reinstate the Planning Act approach. You may opt for a full council-review option or you could, retain some level of staff delegation, which could be viewed as a “compromise” measure. Thank you for your consideration of this request.

Samuel Trosow,

From: Samuel E Trosow

To: City Clerk, Mayor and City Councillors

Subject: Re 14th Meeting of the PEC, Item # 3.2 -- Concerns regarding density bonus for Z-8905

I wanted to reiterate some of my concerns about the Wellington/Grey Project (Z-8905, 147-149 Wellington, 253 and 257 Grey Street) that I raised at the public participation meeting before the Planning and Environment Committee on September 10th. I understand that the city will be in further discussion with the applicant about the terms of the bonus arrangement before a staff report is issued with a recommendation, so I hope these suggestions are helpful,

This project seeks a massive density bonus to allow 593 UPH with a height of 63 meters (current zoning would allow 250 UPH with a height of 12 meters). It is quite understandable that many consider the request is too large for the area and out of proportion from other uses in the vicinity. This could also have the effect of creating similar expectations from other developers in the vicinity.

However, I will limit my comments to the terms of the bonus arrangement

The benefits listed in the "Planning Justification" document submitted by the developer's consultant are very weak and need to be improved quite a bit. The developer is offering things like quality of design, quality and mix of materials, underground parking and provision of balconies. These types of "benefits" are all internal to the project and they should not be acceptable trade-offs for a bonus, certainly not for one of such magnitude.

Noticeably absent are provisions for enhanced landscaping, a dedication to civic space, improvements to the streetscape, location of waste/recycling facility and bicycle storage and parking (secured and temporary). There was no mention of an affordability component and no discussion of enhanced accessibility measures. In my view *these* would provide public benefits and are the types of amenities that could warrant a bonus. The need for a civic space dedication is particularly important given the location and the "gateway" nature of the project. At the very least, there should be larger setbacks or some provision to guarantee a mixed use on the first floor that would be open to the public. Further, 5 accessible spaces for such a large space (200 parking spaces seems small).

Another serious problem is the lack of a pull-in short-term loading area in the front of the building. There should be a semi-circle so vehicles can get off the main road. Even with an entrance on the side or in the back, this is likely to be a hazard. Consider the dangerous situation that has developed in front of the *Luxe* on Richmond. Delivery trucks, postal vehicles, pizza delivery cars and taxis stop in front on Richmond because there is no pull-in delivery area.

It creates a very dangerous condition especially when there is congested southbound traffic coming off the bridge.

In any event, as it stands now the project is not supportable. Some combination of scaling back the height/density back and increasing the benefits of the bonus are needed.

I was encouraged by the committee's discussion and the added clause about affordable housing. Yet I worry that if the developer refuses to accept meaningful additional measures they could still receive a substantial bonus. A review of the existing bonus provisions suggests that the city needs to be more aggressive with applicants when negotiating these agreements.

Thank you again for your attention, I appreciated the chance to speak to the PEC and I hope that the City follows through in requiring obtaining significant public benefits.

Samuel Trosow

Dear Council Members,

I learned a great deal from attending the September 11th public participation meeting and I was very proud that my colleagues were willing to take responsibility for the problems that have come about as a result of our taxi bylaw.

The most important thing I gleaned was that there is no business sense in owning a transferable plate and driving a cab. Far better than driving, is to simply rent the plate to someone else for (around) \$500/wk.

Unfortunately, we have created an unfair situation where some people are forced to pay other people \$25,000 a year for the mere privilege of working. This is alarming because falls close to the definition of systemic exploitation.

The most startling aspect of the PPM was the almost empty hall. Where hundreds of drivers were present at previous PPMs, only a handful were there to speak about the cap on regular licenses. I don't believe that plate owners would try to discourage drivers from attending or threaten terminate their rental agreements for expressing contrary views, but I think we have created a system with such diametrically opposed financial interests that the drivers may have had that fear and acted upon it. This means that our taxi bylaw has also inadvertently moved us in the direction of systemic oppression.

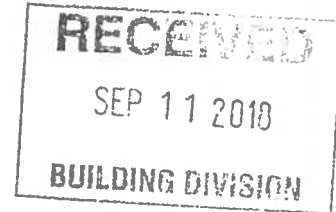
One driver I talked to said that he would rather pay the \$500/wk to the city because the benefits would go to the community. If the city were to re-assert ownership of the plates and charge this amount for each of 367 cabs then the revenue generated would amount to over \$9 million dollars annually. This \$9 million dollars a year may be the real reason that taxi industry can't be competitive with Uber. It also contributes to the present financial struggle of the drivers. Without the cost of renting the plate, they would earn an extra \$500/wk and be making a decent living despite the presence of a transportation network company.

One obvious answer to is to allow all the taxi drivers to have their own plates. However, our bylaw has also created a commodity out of the plates. Those who may have invested upwards of a hundred thousand dollars in the purchase of a plate, sometimes mortgaging their houses to do so, may see their return on that investment shattered along with their plans for retirement. Any answer has to address the situation of the plate owners as well. For this reason I request the following friendly amendment be added to the motion:

That Staff report back on methods available to equitably deal with the loss in value of transferrable plates.

Taxi Broker's Joint Submission

**U-NEED-A CAB, YELLOW LONDON TAXI,
YOUR TAXI.LONDON, AND GREEN TAXI.**



TO: COMMUNITY AND PROTECTIVE SERVICES COMMITTEE

Re: Proposed Amendment to Vehicle for Hire By-Law

Written Submission for Public Participation Meeting September 11, 2018.

Taxi companies in the City of London has been around for many years, and they have been providing safe and reliable transportation service for Londoners, and we strive to provide safe and reliable service at no extra cost. Our service is available for all Londoners, whether they have smart phone and credit card or not. We have over one hundred and fifty direct lines to make taxi service accessible for low income families, and seniors that can not afford wireless phone. City of London has spent thousands of taxpayer's money to improve the By-law, protect consumers, and the industry, but with the current proposal we are throwing away all efforts that was made by previous administration, and taxi association.

We want to be part of the solution not a problem, we simply ask for fair and transparent By-Law.

Below is the position of all taxi brokers regarding the items that are for discussion at the public participation meeting.

Cap on cabs

No change the cap on cabs, maintain the current ratio of 1:1100

As indicated in this Report of Mr. Kotsifa's, Cities that deregulated found that, the supply of taxicabs increased, as a result fares increased, service quality declined, there were more short-hall refusals, lower vehicle quality, lower driver income, and aggressive solicitation

of customers resulting from higher supply of taxicabs. There were only minor improvements in availability. Consequently, cities that deregulated taxi services re-regulated the industry.

As a matter of facts, no city is deregulating or removing the cap on cabs instead they are doing the opposite. The City of New York just capped the number of Uber, Lyft vehicles in the City. Similarly, the City of Kingston, Ontario passed a by-law to limit Uber, and Lyft.

Cap on accessible cabs

We have no objection to change the current ratio of 1:18 to 1:12 or to increase the accessible cabs to meet the demands.

As brokers we are willing to reduce the dispatch fee for accessible cabs to offset their cost.

Fares

We do not recommend any major changes to the fare for the following reason.

Fare regulations are necessary to protect the consumers, and for consistency within the City. But we are asking for a moderate increase on fares across the board, and change the calculation formula, this will help the drivers, and companies due to high cost of living and the minimum wage increase. Taxi industry has not seen fare increase in the last 10 years. We can work with city clerk office to agree on new formula on how to reshape the current Cab Tariff.

Base rate to remain the same \$3.50 would like to see an increase of 12% on the distance, and we would like to decrease that waiting time or when the cab is traveling at 17 km/hr. or less from 25 cents for 26 seconds to 25 cents for 45 seconds, this will help the consumers not pay too much while the cab is waiting for red light, heavy traffic or train.

Age of Vehicles

There should be no changes to the current vehicle age requirement of 8 years. It is absolutely not fair and make no sense to increase the vehicle age limit to 10 years for provide Vehicles for hire because when taxis/Limo come to the end of their 8 years that same vehicle can sign up with Uber and do the same thing. This is an erosion that will systematically destroy the taxi and the limousine and it must not be accepted.

Our aim is to provide safe, reliable, and cost-effective taxi service to our community, but in order to do that we need to have some rules and regulations in place to make that happen.

We hope the committee is taking into consideration the safety, and well being of our community into consideration, we are the fabric of this society, and we are the one that is contributing to the City of London.

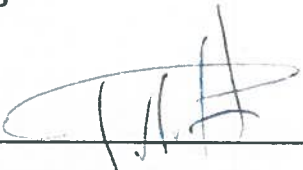
Vehicle Requirements – Cameras

We agree with the draft by-law

Regards

Ismail Omer:  _____


President of U-NEED-A CAB

Hasan Savehilaghi:  _____

President of Yellow London Taxi

Khalil Tarhuni:  _____

President of Green Taxi

Nema Abbasey:  _____

President of Your Taxi.london

To: His Worship Mayor Matt Brown and members of City council

We, the undersigned licensed taxi drivers in the City of London, strongly oppose any amendment to the Vehicle-for-hire by-law which would remove the limit on the number of cab and accessible cab licences. But in favour of adding some accessible cab licences by lowering the current ratio of 1:18.

Cities such as Seattle, St. Louis and Indianapolis that deregulated ended up re-regulating after deregulation resulted such as: Less driver income, Fights at taxicab stands, Aggressive customer solicitations from higher supply of taxicabs, Traffic congestion, high energy consumption, environmental pollution, Short-haul refusals, poor treatment of passengers and lower quality of service. (Nelson / Nygaard Consulting Associates, Marketing Taxi Service Work in San Francisco).

Recently the Cities of New York and Kingston Ontario both capped Uber and Lyft.

Corporate Services Committee

Report

16th Meeting of the Corporate Services Committee
September 11, 2018

PRESENT: Councillors J. Helmer (Chair), P. Hubert, M. van Holst, J. Zaifman, Mayor M. Brown
ABSENT: J. Morgan
ALSO PRESENT: M. Hayward, A.L. Barbon, M. Balogun, G. Belch, B. Card, I. Collins, B. Coxhead, M. Henderson, D. O'Brien, M. Ribera, C. Saunders, E. Skalski, J. Spence, S. Spring, B. Warner, B. Westlake-Power and G. Zhang.

The meeting is called to order at 12:30 PM.

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

2.1 Access and Privacy Policy

Moved by: M. van Holst
Seconded by: J. Zaifman

That, on the recommendation of the City Clerk the proposed by-law appended to the staff report dated September 11, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 18, 2018, to adopt a Council Policy with respect to Access and Privacy under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, ("MFIPPA" or the "Act").

Yeas: (5): J. Helmer, P. Hubert, M. van Holst, J. Zaifman, and Mayor M. Brown

Absent: (0): J. Morgan

Motion Passed (5 to 0)

3. Scheduled Items

3.1 Annual Meeting Calendar

Moved by: P. Hubert
Seconded by: J. Zaifman

That the draft meeting calendar for the period of January 1, 2019 to December 1, 2019, reflecting the current meeting schedule, attached as Appendix B to the staff report dated September 11, 2018, BE APPROVED;

it being noted that a communication dated August 30, 2018, from S. Levin was received;

it being pointed out that no members of the public made presentations at the public participation meeting with respect to this matter.

Yeas: (3): P. Hubert, J. Zaifman, and Mayor M. Brown

Nays: (2): J. Helmer, and M. van Holst

Absent: (0): J. Morgan

Motion Passed (3 to 2)

Voting Record:

Moved by: Mayor M. Brown
Seconded by: P. Hubert

Motion to open the Public Participation Meeting.

Yeas: (5): J. Helmer, P. Hubert, M. van Holst, J. Zaifman, and Mayor M. Brown

Absent: (0): J. Morgan

Motion Passed (5 to 0)

Moved by: P. Hubert
Seconded by: J. Zaifman

Motion to close the Public Participation Meeting.

Yeas: (5): J. Helmer, P. Hubert, M. van Holst, J. Zaifman, and Mayor M. Brown

Absent: (0): J. Morgan

Motion Passed (5 to 0)

4. Items for Direction

4.1 Request of a Vehicle Donation to ReForest London

Moved by: Mayor M. Brown
Seconded by: M. van Holst

That the request of ReForest London for the donation of a used City of London truck BE REFERRED to the Civic Administration for a report back with respect to the necessary sources of financing for the costs associated with the request.

Yeas: (5): J. Helmer, P. Hubert, M. van Holst, J. Zaifman, and Mayor M. Brown

Absent: (0): J. Morgan

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

None.

6. Confidential (Enclosed for Members only.)

Moved by: Mayor M. Brown
Seconded by: P. Hubert

That the Corporate Services Committee convene in closed session for the purpose of considering the following matters:

6.1 Solicitor-Client Privileged Advice

A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a lease amendment; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed lease amendment; commercial and financial information supplied in confidence pertaining to the proposed lease amendment, the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed lease amendment whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed lease amendment whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed lease amendment.

6.2 Land Acquisition/Solicitor-Client Privileged Advice

A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition of land; commercial and financial information supplied in confidence pertaining to the proposed acquisition the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition.

6.3 Security of Property

A matter pertaining to the security of the property of the municipality, including advice, recommendations and communications of officers and employees of the Corporation.

6.4 Identifiable Individual/Litigation/Potential Litigation/Solicitor-Client Privileged Advice

A matter pertaining to an identifiable individual; employment-related matters; litigation or potential litigation affecting the municipality; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; advice or recommendations of officers and employees of the Corporation, including communications necessary for that purpose and for the purpose of providing instructions and directions to officers and employees of the Corporation.

6.5 Litigation/Potential Litigation/Solicitor-Client Privileged Advice

A matter pertaining to litigation with respect to the partial expropriation of property located at 4501 Dingman Drive, including matters before administrative tribunals, affecting the municipality or local board, and specifically OMB File No. LC 130020; advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with the expropriation of property located at 4501 Dingman Drive; and directions and instructions to officers and employees or agents of the municipality regarding settlement negotiations and conduct of litigation in connection with the expropriation of a property located at 4501 Dingman Drive.

Yeas: (5): J. Helmer, P. Hubert, M. van Holst, J. Zaifman, and Mayor M. Brown

Absent: (0): J. Morgan

Motion Passed (5 to 0)

The Corporate Services Committee convened in closed session from 1:30 PM to 2:14 PM.

7. Adjournment

The meeting adjourned at 2:15 PM.

Planning and Environment Committee

Report

14th Meeting of the Planning and Environment Committee
September 10, 2018

PRESENT: Councillors S. Turner (Chair), A. Hopkins, M. Cassidy, J. Helmer, T. Park
ABSENT: Mayor M. Brown
ALSO PRESENT: Councillor M. van Holst, G. Barrett, A. Beaton, M. Corby, M. Elmadoon, M. Feldberg, J.M. Fleming, K. Gonyou, P. Kokkoros, G. Kotsifas, H. Lysynski, A. Macpherson, H. McNeely, L. Mottram, B. O'Hagan, N. Pasato, M. Pease, L. Pompili, M. Ribera, S. Rowland, A. Salton, C. Saunders, J-A. Spence, C. Smith, J. Smolarek, M. Sundercock, M. Tomazincic, R. Turk and P. Yeoman

The meeting was called to order at 4:00 PM

1. Disclosures of Pecuniary Interest

That it BE NOTED that Councillor T. Park disclosed a pecuniary interest in clause 3.2 of this Report, having to do with the properties located at 147-149 Wellington Street and 253-257 Grey Street, by indicating that her family owns property in the area.

2. Consent

Moved by: T. Park
Seconded by: A. Hopkins

That Items 2.1 to 2.4, inclusive and 2.6 to 2.9, inclusive, BE APPROVED.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

2.1 List of Approved Tree Species

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, the staff report dated September 10, 2018 entitled "List of Approved Tree Species PEC Deferred Matter #2" BE RECEIVED for information. (2018-E04)

Motion Passed

2.2 Passage of Heritage Designating By-law for 660 Sunningdale Road East

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the by-law appended to the staff report dated September 10, 2018, to designate the property

located at 660 Sunningdale Road East, to be of cultural heritage value or interest BE INTRODUCED at the Municipal Council meeting to be held on September 18, 2018; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*. (2018-R01)

Motion Passed

2.3 Passage of Heritage Designating By-law for 2096 Wonderland Road North

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the by-law appended to the staff report dated September 10, 2018, to designate the property located at 2096 Wonderland Road North, to be of cultural heritage value or interest BE INTRODUCED at the Municipal Council meeting to be held on September 18, 2018; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*. (2018-R01)

Motion Passed

2.4 Application - 1245 Michael Street (Blocks 1-5, Plan 33M-745) (P-8858)

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Wastell Builders (London) Inc., to exempt lands from Part Lot Control:

- a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at a future Municipal Council meeting, to exempt Blocks 1-5, Plan 33M-745 from the Part Lot Control provisions of subsection 50(5) of the said Act, for a period not to exceed three (3) years; it being noted that the Applicant has requested that three separate exemption by-laws/reference plans for approval be brought forward to future meetings of the Planning and Environment Committee and Council;
- b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part Lot Control By-law for Blocks 1-5, Plan 33M-745 as noted in clause a) above:
 - i) the Applicant submit a draft reference plan to Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - ii) the Applicant submits to Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

- iii) the Applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- iv) the Applicant submit to the City for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- v) the Applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vi) the Applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- vii) the Applicant shall obtain confirmation from Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited;
- viii) the Applicant shall obtain approval from Development Services for each reference plan to be registered prior to the reference plan being registered in the land registry office;
- ix) the Applicant shall submit to the City confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office; and,
- x) the site plan and development agreement be registered prior to passage of the exemption from part lot control by-law; and,
- c) the Applicant BE ADVISED that the cost of registration of this by-law is to be borne by the applicant in accordance with City policy. (2018-D09)

Motion Passed

2.6 City Services Reserve Fund Claimable Works for the SS15A Southwest Area Trunk Sewer

Moved by: T. Park
 Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to the subdivision agreement between The Corporation of the City of London and Colonel Talbot Developments Inc. (Auburn Developments), for construction of the SS15A Southwest Area Trunk Sewer within the Hunt Lands Subdivision:

- a) the revised Special Provisions contained in the Subdivision Agreement for construction of the SS15A Southwest Area Trunk Sewer within the Hunt Lands Subdivision (39T-12503) outlined in Section 2.0 of the staff report dated September 10, 2018, BE APPROVED;
- b) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated September 10, 2018 as Appendix "A". (2018-F01)

Motion Passed

2.7 Application - 1835 Shore Road (H-8890)

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 1835 Shore Road, the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at the Municipal Council meeting to be held on September 18, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R5/R6 Special Provision (h•h-206•R5-6(10)/R6-5(42)) Zone TO a Residential R5/R6 Special Provision (R5-6(10)/R6-5(42)) Zone to remove the h and h-206 holding provisions. (2018-D09)

Motion Passed

2.8 Application - 3105 Bostwick Road - Talbot Village Subdivision - Phase 6

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Topping Family Farm Inc. for the subdivision of lands over Part of Lot 76, East of the North Branch of the Talbot Road, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the north side of the Pack Road, east of Settlement Trail, and south of Old Garrison Boulevard, municipally known as 3105 Bostwick Road:

- a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Topping Family Farm Inc., for the Talbot Village Subdivision, Phase 6 (39T-14506) appended to the staff report dated September 10, 2018 as Appendix "A", BE APPROVED;
- b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated September 10, 2018 as Appendix "B";
- c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated September 10, 2018 as Appendix "C";
- d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions. (2018-D09)

Motion Passed

2.9 Building Division Monthly Report for July 2018

Moved by: T. Park
Seconded by: A. Hopkins

That the Building Division Monthly Report for the month of July, 2018 BE RECEIVED for information. (2018-F-21)

Motion Passed

2.5 Application - 89 York Street (H-8861)

Moved by: M. Cassidy
Seconded by: J. Helmer

That, consideration of the application by Endri Poletti Architect Inc., relating to the request to remove the h-1 and h--3 holding provisions on the property located at 89 York Street, BE POSTPONED to a future Planning and Environment Committee meeting. (2018-D09)

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

3. Scheduled Items

3.1 Public Participation Meeting - Swimming Pool Fence By-law Amendments - City Initiated

Moved by: A. Hopkins
Seconded by: M. Cassidy

That on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at the Municipal Council meeting to be held on September 18, 2018 to amend By-law No. PS-5, as amended, entitled "Swimming Pool Fence By-law" in order to amend fee Schedule "A" relating to pool fence application permits; it being noted the last swimming pool fence fee increase took place in 1997;

it being noted that no individuals spoke at the public participation meeting associated with this matter. (2018-F21)

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Additional Votes:

Moved by: J. Helmer
Seconded by: T. Park

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Moved by: M. Cassidy

Seconded by: T. Park

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

3.2 Public Participation Meeting - 147-149 Wellington Street - 253 and 257 Grey Street (Z-8905)

Moved by: J. Helmer

Seconded by: A. Hopkins

That, the following actions be taken with respect to the application of JAM Properties Inc., relating to the properties located at 147-149 Wellington Street and 253-257 Grey Street:

a) the comments received from the public during the public engagement process appended to the staff report dated September 10, 2018 as Appendix "A", BE RECEIVED;

b) Planning staff BE DIRECTED to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the *Planning Act, R.S.O 1990, c.P. 13*; and,

c) the Civic Administration BE REQUESTED to include, as part of any recommended bonus zoning, the provision of a portion of the total units of the proposed building as affordable housing units;

it being noted that staff will continue to process the application and will consider the public, agency, and other feedback received during the review of the subject application as part of the staff evaluation to be presented at a future public participation meeting;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-D09)

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Absent: (0): T. Park, and Mayor M. Brown

Motion Passed (4 to 0)

Additional Votes:

Moved by: M. Cassidy

Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Recuse: (1): T. Park

Absent: (0): Mayor M. Brown

Motion Passed (4 to 0)

Moved by: A. Hopkins
Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Absent: (0): T. Park, and Mayor M. Brown

Motion Passed (4 to 0)

3.3 Public Participation Meeting - Application - 1196 Sunningdale Road West - Zoning By-law Amendment (Z-8916)

Moved by: T. Park
Seconded by: M. Cassidy

That, on the recommendation of the Senior Planner, Development Services, based on the application by Landea Developments Inc., relating to the property located at 1196 Sunningdale Road West, the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at the Municipal Council meeting on September 18, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R1 (h*h-100*R1-4) Zone and a Holding Residential R1 (h-h*-100*R1-13) Zone TO a Holding Residential R1 Special Provision (h-h-100*R1-4 ()) Zone, Holding Residential R1 Special Provision (h-h-100*R1-4 ()) Zone, Holding Residential R1 Special Provision (h-h-100*R1-4 ()) Zone and a Holding Residential R1 Special Provision (h-h-100*R1-13 ()) Zone;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the attached public participation meeting record made an oral submission regarding these matters. (2018-D09)

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Additional Votes:

Moved by: M. Cassidy
Seconded by: J. Helmer

Motion to open the public participation meeting.

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Absent: (0): T. Park, and Mayor M. Brown

Motion Passed (4 to 0)

Moved by: M. Cassidy
Seconded by: J. Helmer

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

3.4 Public Participation Meeting - 3493 Colonel Talbot Road (Z-8922)

Moved by: A. Hopkins
Seconded by: M. Cassidy

That, on the recommendation of the Manager, Development Planning, based on the application by the 2219008 Ontario Ltd., c/o MHBC Planning Ltd., relating to the properties located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle, the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at the Municipal Council meeting September 18, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), FROM a Residential R1 Special Provision (R1-8(5)) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-8(5)) TO a Residential R1 Special Provision (R1-8(_)) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-8(_)) Zone, to permit a minimum front/exterior side yard depth of 4.5 metres for main buildings fronting a local street or secondary collector while maintaining the existing garage setback regulations, a minimum interior side yard depth of 1.2 metres; except that where no private garage is attached to the dwelling, one yard shall be 3.0 metres, a minimum rear yard depth of 7.0 metres, 35% minimum landscaped open space, and 40% maximum lot coverage;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the attached public participation meeting record made an oral submission regarding these matters. (2018-D09)

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Additional Votes:

Moved by: T. Park
Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Moved by: T. Park
Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

3.5 Public Participation Meeting - Application for Draft Plan of Vacant Land Condominium Zoning By-law Amendment - 459 Hale Street (39-CD-18503/Z-8886)

Moved by: J. Helmer
Seconded by: T. Park

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Artisan Homes Inc., relating to the lands located at 459 Hale Street:

- a) the proposed by-law appended to the staff report dated September 10, 2018 BE INTRODUCED at the Municipal Council meeting to be held on September 18, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Residential R1 (R1-5) Zone TO a Residential R6 Special Provision (R6-2()) Zone, to permit cluster housing in the form of single detached dwellings with a special provision to permit a minimum lot frontage of 8.0 metres and maximum density of 22 units per hectare; and,
- b) the Approval Authority BE ADVISED that the following issues were raised at the public participation meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 459 Hale Street:
 - i) the provision of enhanced landscaping along the side and rear yards, in particular, the use of larger trees that would provide more of a buffer between the existing residential homes and the new homes;
 - ii) the loss of privacy;
 - iii) the close proximity of the proposed condominiums to the existing neighbours;
 - iv) the loss of existing wildlife;
 - v) the increase in noise;
 - vi) the loss of view;
 - vii) the need to relocate recreational equipment in backyards;
 - viii) water run-off concerns;
 - ix) the proposed dwellings are out of character with the existing neighbourhood;
 - x) garbage collection;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-D09)

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Additional Votes:

Moved by: T. Park

Seconded by: M. Cassidy

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

Moved by: A. Hopkins

Seconded by: J. Helmer

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

4. Items for Direction

4.1 9th Report of the Environmental and Ecological Planning Advisory Committee

Moved by: M. Cassidy

Seconded by: T. Park

That the following action be taken with respect to the 9th report of the Environmental and Ecological Planning Advisory Committee from its meeting held on August 16, 2018:

a) C. Smith, Senior Planner, BE ADVISED of the following comments with respect to the application by Sifton Properties Limited, relating to the property located at 1877 Sandy Somerville Lane:

i) the block be fenced with no gates;

ii) signage be posted, with a positive message, advising why the area is environmentally significant; and,

iii) a trail map be included on the above-noted signage;

b) K. Oudekerk, Environmental Services Engineer, BE ADVISED that S. Hall, S. Levin and R. Trudeau, are the Environmental and Ecological Planning Advisory Committee (EEPAC) representatives on the draft Project File for the East London Sanitary Servicing Study; it being noted that the EEPAC reviewed and received a communication dated August 2, 2018, from K. Oudekerk, with respect to this matter;

c) the Working Group comments appended to the 9th Report of the Environmental and Ecological Planning Advisory Committee, with respect to the Environmental Impact Statement and exp Hydrogeology report relating to the W3 Farms/York Developments application, relating to the properties located at 3700 Colonel Talbot Road and 3645 Bostwick Road BE FORWARDED to N. Pasato, Senior Planner, for consideration; and,

d) clauses 1.1, 2.1, 2.2, 3.1, 3.3, 6.1 and 6.3 BE RECEIVED.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

4.2 The City of London Boulevard Tree Protection By-law - Amendments

Moved by: A. Hopkins

Seconded by: M. Cassidy

That, on the recommendation of the Managing Director, Planning and City Planner and the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken in regards to The City of London Boulevard Tree Protection By-law:

a) the staff report dated September 10, 2018 entitled "The City of London Boulevard Tree Protection By-law - Amendments" BE RECEIVED for information;

b) the proposed By-law BE REFERRED to the Trees & Forest Advisory Committee for review and comment; and,

c) the proposed By-law BE REFERRED to a public participation meeting to be held by the Planning and Environment Committee in Q1 2019 for the purpose of seeking public input and comments on the proposed By-law. (2018-E04)

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and T. Park

Nays: (1): J. Helmer

Absent: (0): Mayor M. Brown

Motion Passed (4 to 1)

4.3 Reinstatement of Demolition Control By-law

Moved by: J. Helmer

Seconded by: A. Hopkins

That the communication dated August 21, 2018, from J. Grainger, President, London Region Branch, Architectural Conservancy of Ontario, with respect to their request to reinstate the Demolition Control By-law BE REFERRED to the Managing Director, Development and Compliance Services & Chief Building Official to respond directly to Ms. Grainger. (2018-P10D)

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

5.1 Deferred Matters List

Moved by: T. Park
Seconded by: M. Cassidy

That the Managing Director, Development and Compliance Services & Chief Building Official and the Managing Director, Planning and City Planner, BE DIRECTED to update the Deferred Matters List to remove any items that have been addressed by the Civic Administration.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Absent: (0): Mayor M. Brown

Motion Passed (5 to 0)

6. Adjournment

The meeting adjourned at 6:32 PM.

PUBLIC PARTICIPATION MEETING COMMENTS

3.2 PUBLIC PARTICIPATION MEETING – Application – 147 – 149 Wellington Street and 253 - 257 Grey Street (Z-8905)

- Maria Gitta, 117 Clarence Street – believing that this is too massive of a project and she has noticed especially being more familiar with South London and Old South London, there almost seems to be a disrespect for what exists and this need to intensify to such an extent that it makes the quality of living for people around very unpleasant; indicating that she could see maybe eight to ten storeys on this project; expressing displeasure with bonus zoning; wondering what bonus zoning means; is that an excuse to have a one-time exception to this kind of project because then it falls back into we have planning issues that the City runs and then they get exceptional one-time excuses that they do not have to follow that and if there is going to be Bus Rapid Transit along that route, why do there need to be two layers of underground parking when everybody should be hopping on public transit and that could reduce the levels of the building right there; noticing that, in the comments from the past, not that there were many, statements like meets the needs to balance the neighbourhood, that is totally meaningless, that means absolutely nothing; expressing that she is not sure how you would give weight to something like that as this process continues; reiterating that it is too much, it is too big.
- Harry Froussios, Zelinka Priamo Ltd., on behalf of the applicant – see attached presentation.
- David Yuhasz, Zedd Architects - see attached presentation.
- *(Councillor A. Hopkins enquiring about the number of underground and above-ground parking spaces.);* Mr. H. Froussios, Zelinka Priamo Ltd., responding that there will be two hundred total parking spaces, one hundred sixty-two of them will be underground and thirty eight will be surface parking for accessible needs, visitors and commercial requirements as well.
- *(Councillor J. Helmer enquiring, if the ground floor units were not residential and were commercial instead, what is the commercial square footage that would be available at the ground level, roughly.);* Mr. H. Froussios, Zelinka Priamo Ltd., responding that the residential units will be of a certain size and the commercial could be expanded depending on the needs of the individual tenants; noting that it is approximately four thousand square feet for a single unit; *(Councillor Helmer enquiring, for that kind of square footage, is the agent for the applicant thinking that if there were requirements around parking for the commercial space that the surface parking would be able to accommodate all of that.);* Mr. H. Froussios, Zelinka Priamo Ltd., responding that he thinks it would accommodate some of that but at the same time they are going to look at maybe, if necessary, a reduced rate to take advantage of the fact that it is on a Bus Rapid Transit line as well.
- Resident – enquiring how long it takes to design one of these buildings, on average. *(Councillor S. Turner indicating that the Committee will collect all of the questions and respond to them at the closing of the public participation meeting.)*
- Sam Trosow, Broughdale area – asking that the Planning and Environment Committee not characterize any objections he makes to this as NIMBYism because it is not; advising that he has no objection with intensification; understanding that this is an underutilized site; understanding that it is the policy of the City to build inside the core and up; noting that he does not have a problem with any of that; thinking that this is a good site to be intensified especially since it is a parking lot; however, his problem, and what he has spent all of his time on today, is the question of the bonusing because he thinks that if you are going to engage in bonusing, you have to understand what the base is; stating that the allowable density now is two hundred fifty units per hectare and they are asking for five hundred ninety-three; indicating that is a big bonus, that is not just a little fifteen percent tip that you are getting on the side; that is a big bonus; advising that the current allowable height is twelve metres, they are asking for sixty-three; reiterating that is a big bonus; indicating that the question is not whether there should be a big development here, that is fine, but the question is that if you are going to engage in the practice of bonusing, what are you getting for it and if you do not get something that is a public benefit, a community oriented, a community facing public benefit, you are really frustrating the purpose of the density bonus provisions; thinking

3.2

that we have to look very carefully at what you are getting; stating that all he has to go on, so far, is the Planning Justification Report, and what you are getting is really nothing because the only things that are mentioned as enhancements in the Planning Justification Report, on pages 17, 18 and 19, are underground parking to the rear and high quality design; indicating that you give someone bonusing for a high quality design, they are going to say that otherwise they are going to do poor quality design, a mix of building materials, an entrance near the intersection; oh, great, there is going to be an entrance near the intersection; pointing out that these are not public benefits that qualify as things that you should be giving huge, massive bonusing for; balconies on all sides of the building, yes, if they want to market these units and he presumes that they are going to at least be at market rate, yes, a balcony will help them sell units but that is not a public benefit for the purposes of bonusing; what are some examples of things that would be public benefits for purposes of bonusing, well, even before you have your Inclusionary Zoning by-law done, you could ask for a set aside of some number of affordable units, yes you can, you can do that under bonusing and you are not under any legal obligation to give the bonus; you set the terms, you go to the negotiating table with some reasonable demands; stating that everybody is in favour of affordable housing, put some in this site; there are some other things you can do, the report that he read said nothing about bicycle storage, nothing and the number of accessible parking spaces, he thinks they said five; noting that is pretty small; what is the setback they are asking for in the front, oh, right, it is a round number, it is zero; indicating that is not reasonable; you need to have a drive-through area on the first floor, make it cantilevered if they want so they are only losing two or three floors but if you think it is a good idea to put up a big apartment building without any type of a drive-through in the front for pizza trucks and FedEx deliveries and what have you, look at the Luxe on Richmond Street, that is what is going to happen; advising that this is a transportation corridor, the very fact that this is a transportation corridor is why you have to create a little bit more space in front; zero setback, really, you should be asking them to dedicate some space in front so that the public is not squeezed, you should be asking for some type of bicycle storage, you should be asking for some better accessibility, you should be thinking about what the traffic situation is going to be and you have not done that, not yet; you can take this back but he has seen some of the bonusing arrangements that you come back with and he has seen too many situations which the developers have been given huge bonuses for using nice materials; indicating that you have got to do better than that; advising that is what he wanted to say; reiterating that he is not against the project but he thinks that if you give this away, the massive bonusing that they are getting, without getting something substantial, public benefit bonusing, in return, you are setting a very bad precedent.

- Fabian Haller, area resident – advising that she has been living in the area with her family for about twenty-five years now; expressing appreciation to Mr. S. Trosow for having some very good points; indicating that she and her family are extremely excited about this development; pointing out that they attended the June meeting and were very pleased with the design that they saw; thinking that there has been a lot of improvement; expressing that what gets them really excited, having lived in the neighbourhood and recently having purchased another property in SoHo is the potential that is happening; they are excited; noting that they have three young adult children that have spent time in Toronto going to school and when she showed them the plan of this they were excited, it is so great to see young people excited about what is happening in London and considering that this is something that they might want to live in one day; advising that she does not have any questions or demands but she wanted to make sure that their voices are heard, that they really enjoyed seeing the proposal and they really hope that it will happen for them and for those younger people that we are all trying to retain in this city.

Public Meeting – Planning and Environment Committee



JAM Properties Inc.

Proposed Apartment Building – 147-149 Wellington Street and 253-257 Grey Street
September 10, 2018



The Developer – JAM Properties Inc.

- JAM Properties Inc. is a development group consisting of local individuals with strong ties to the SoHo Community.

Consultation – City Staff & Public

- Extensive meetings with City Staff prior and following formal ZBA submission to discuss proposal and design of building; several concepts prepared resulting in different design and reduced density from original application;
- Public Open House held on June 26, 2018; well attended by members of the Community;
- Current design is a product of ongoing discussions with City Staff, agencies and members of the public; achieves a very good balance between all policy directions, comments, and client objectives.



Proposed Development

- Design of building has been updated since the preparation of the Staff Report, in response to comments from Staff, UDPRP, and the public;
- 18 storey apartment building, consisting of a 4 storey podium along Wellington Street, and 4 storey podium along Grey Street;
- 240 residential units (545 uph);
- Ground floor units designed to accommodate commercial and residential uses;
- 200 parking spaces (162 underground spaces; 38 surface spaces); surface parking and ramp to underground parking not visible from Wellington and Grey Streets;
- Rooftop terraces proposed on multiple floors; extensive landscaping proposed along street frontages.



Benefits of Proposed Development

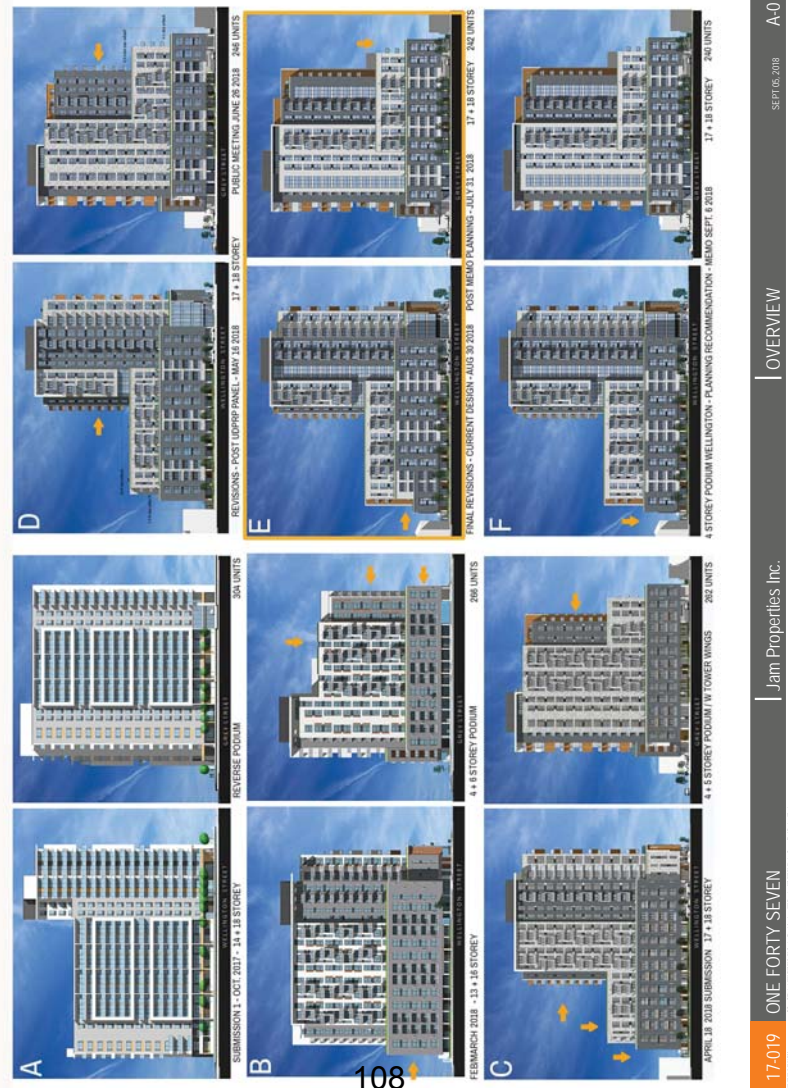
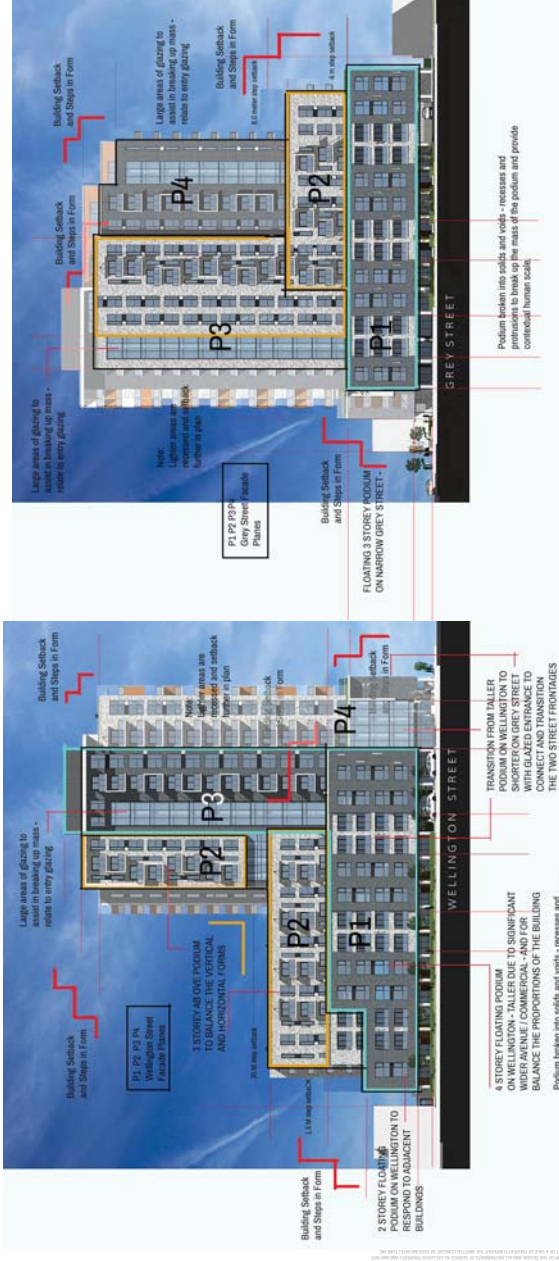
- The proposed development represents a significant redevelopment within the SoHo Community and provides enhancement of the immediate streetscape; potential to be a catalyst for additional development within the SoHo Community and along the Wellington Street corridor.
- Provides a desired and preferred form of housing with modern facilities designed to high architectural standards that will contain a range of amenities typical of contemporary apartment buildings.
- The majority of parking facilities are contained within underground parking, and are carefully designed to be out of view from the public realm thereby eliminating the visual impact of the parking facilities;
- The proposed development is located proximate to a wide range of services, amenities, commercial establishments, and will make extensive use of existing and planned public transit, including the future planned BRT line;

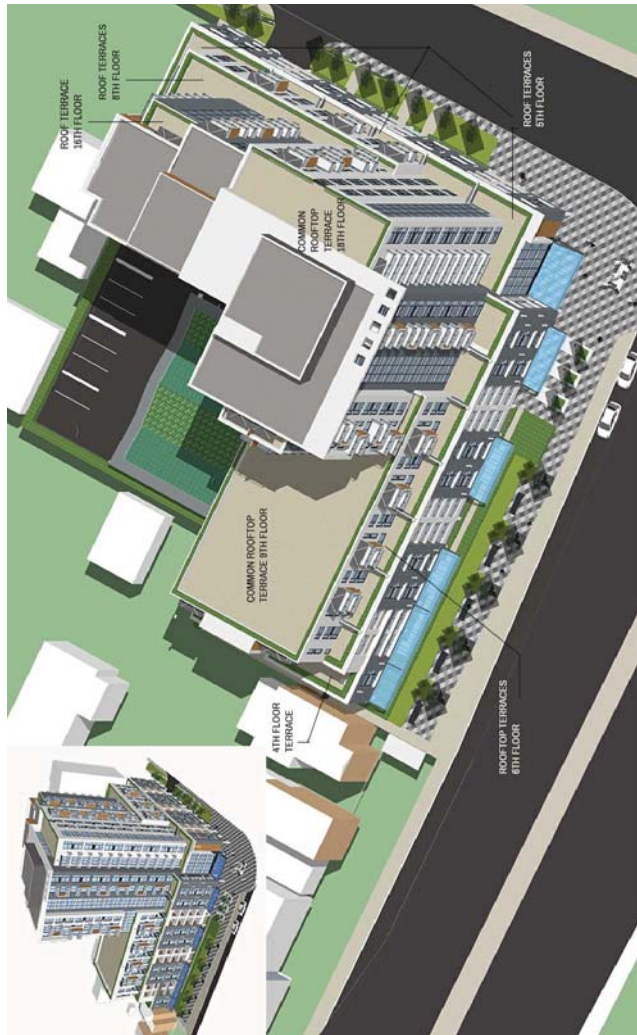


Benefits of Proposed Development

- Proposed design has had regard for, and respects, the character of existing buildings in the area.
- The scale and built form of the proposed development is in keeping with other existing and recently approved high-density residential apartment buildings in the area.
- The ground floor of the building is designed to be interchangeable between commercial and residential uses, as market conditions warrant.
- Bonusable features attributable to the proposed development will provide an overall benefit to the Community.
- Proposed development is consistent with PPS policies regarding intensification, efficient use of existing infrastructure, and promotion of the use of transit.
- Rezoning application is consistent with the policies of the current, in-effect (1989) Official Plan; and is a great example of the type of development that is envisioned by the London Plan for properties along the intensification corridors.







32+ BUILDING CORNERS | 12 ROOFTOPS + TERRACES | 4 FACADE PLANAR SETBACKS

17-019 ONE FORTY SEVEN

Jain Properties Inc.

ISOMETRIC

SEP 05, 2018

A-007



WELLINGTON STREET ELEVATION

- MIXED BRICK - DARK
- RIBBED CONCRETE PROFILE - ORANGE TINT
- GLASS GUARD
- SAND TEXTURED CONCRETE FINISH
- RIBBED CONCRETE PROFILE - ORANGE TINT

- DECORATIVE METAL CANOPY
- SAND TEXTURED CONCRETE FINISH
- MIXED BRICK - DARK
- RIBBED CONCRETE PROFILE - ORANGE TINT
- SPANDREL PANEL - DARK WITH WHITE FEATURE
- GLAZING SYSTEM - DARK MULLIONS
- GLASS GUARD
- OFF WHITE MANSURRY CAP
- MIXED BRICK - DARK
- EXTERIOR LIGHT FEATURE - UPDOWN SCIENCE
- POWDER COATED BLACK STEEL CANOPY FRAME

17-019 ONE FORTY SEVEN

Jain Properties Inc.

WELLINGTON ELEVATION

AUG 27, 2018

A-004



ONE FOUR SEVEN WELLINGTON



17-019 ONE FORTY SEVEN | Jam Properties Inc. | TITLE | AUGUST 23RD, 2018 | A-000

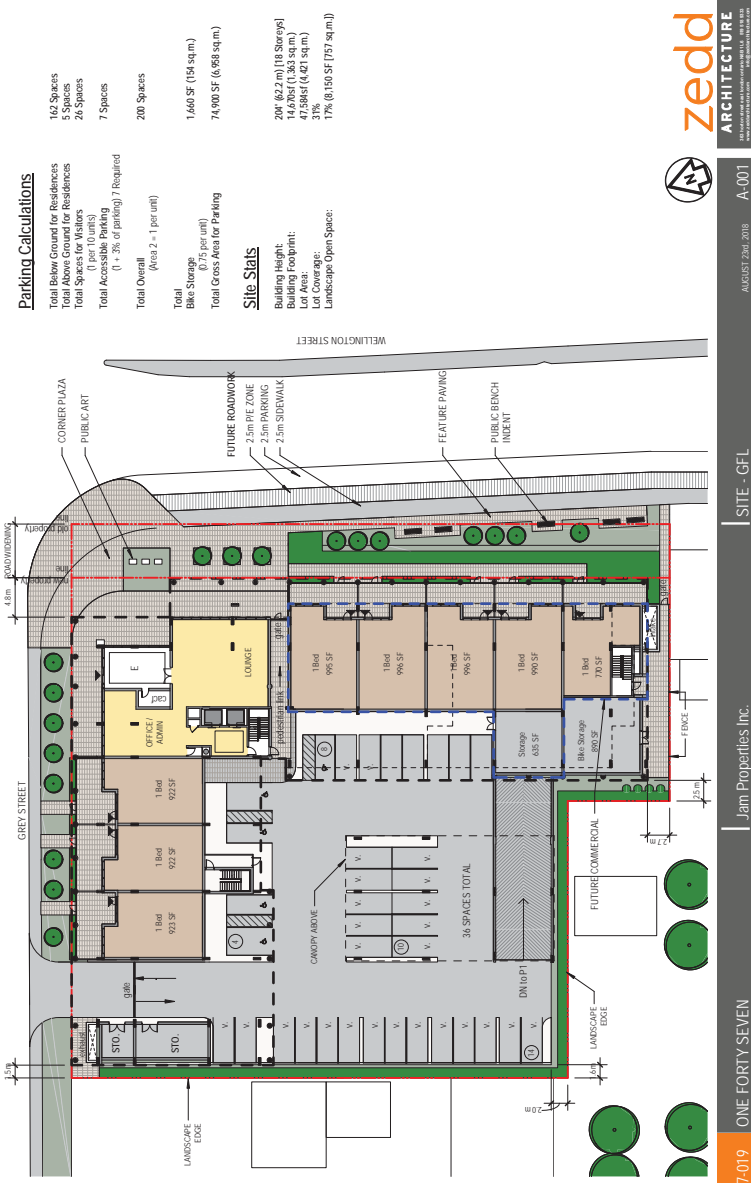


- REFLECTIVE METAL CANOPY
- MIXED BRICK - DARK
- RIBBED CONCRETE PROFILE - ORANGE TINT
- GLAZING SYSTEM - DARK MULLIONS
- SAND TEXTURED CONCRETE FINISH
- GLASS GUARD
- OFF WHITE MASONRY CAP
- SPANDREL PANEL - DARK UPDOWN SCIENCE
- MIXED BRICK - DARK

- SAND TEXTURED CONCRETE FINISH
- MIXED BRICK - DARK
- GLASS GUARD
- RIBBED CONCRETE PROFILE - ORANGE TINT
- POWDER COATED BLACK STEEL CANOPY FRAME

17-019 ONE FORTY SEVEN | Jam Properties Inc. | GREY ELEVATION | AUGUST 23RD, 2018 | A-005





Parking Calculations

Total Below Ground for Residences
 Total Above Ground for Residences
 Total Spaces for Visitors
 Total Area (1 per 10 units)
 Total Area (1 + 26% of parking) / Required

Total Overall (Area 2 - 1 per unit)
 Total
 Bike Storage (87.5 per unit)
 Total Gross Area for Parking

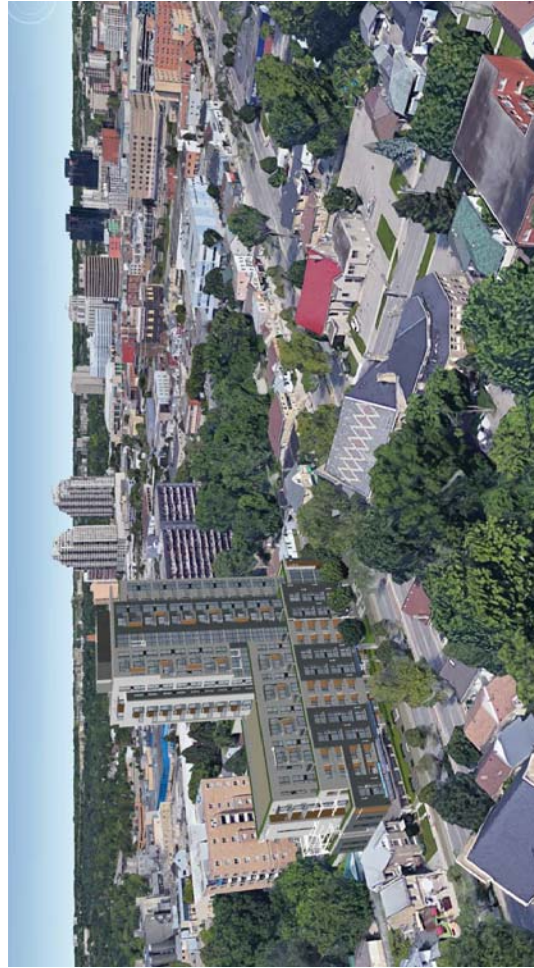
Site Stats

Building Height:
 Building Footprint:
 Lot Area:
 Lot Coverage:
 Landscape Open Space:

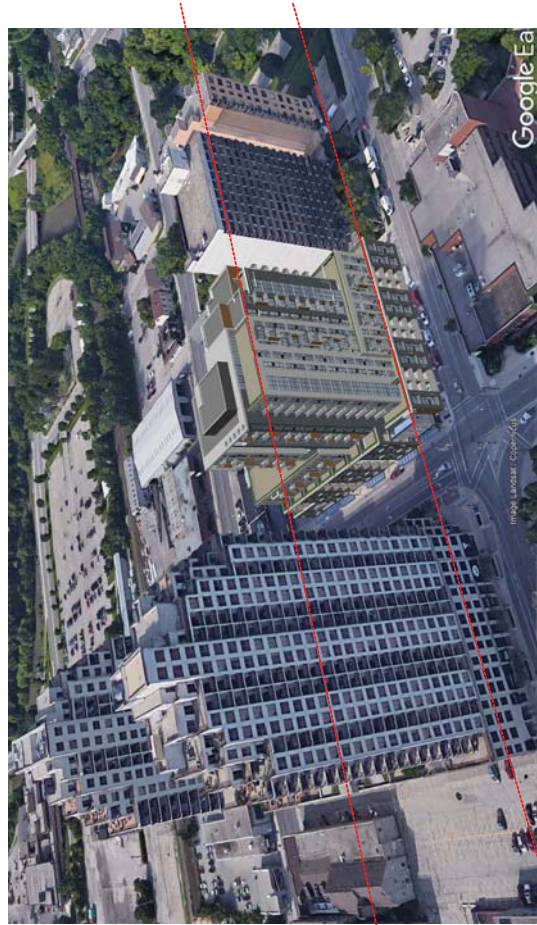
162 Spaces
 5 Spaces
 26 Spaces
 7 Spaces
 200 Spaces
 1,660 SF (154 sq.m)
 74,900 SF (6,958 sq.m)

205' (62.2 m) (18 Stories)
 14,076 SF (1,303 sq.m)
 47,884 SF (4,421 sq.m)
 33%
 17% (8,150 SF / 757 sq.m)





© 2018 ZEDD ARCHITECTURE. ALL RIGHTS RESERVED. PHOTO COURTESY OF JAIM PROPERTIES INC.



PUBLIC PARTICIPATION MEETING COMMENTS

3.3 PUBLIC PARTICIPATION MEETING – Application – 1196 Sunningdale Road West (Z-8916)

- Casey Kulchyki, Zelinka Priamo Ltd. – indicating that they have reviewed the staff report; expressing agreement with the staff recommendation.

PUBLIC PARTICIPATION MEETING COMMENTS

3.4 PUBLIC PARTICIPATION MEETING – Application – 3493 Colonel Talbot Road
(Z-8922)

- Scott Allen, MHBC Planning – expressing agreement with the staff recommendation; thanking staff for their attention to this application.

PUBLIC PARTICIPATION MEETING COMMENTS

3.5 PUBLIC PARTICIPATION MEETING – Application – 459 Hale Street (39CD-18503/Z-8886)

- *(Councillor T. Park enquiring about the current R1-5, what are the units per hectare on it currently.);* Mr. L. Mottram, Senior Planner, responding that there is a density in the R1-5 Zone, it is expressed in terms of lot area and lot frontage; a minimum lot area for a lot in that zone is 415 square metres and a minimum lot frontage is 12 metres.
- *(Councillor J. Helmer indicating that Mr. L. Mottram, Senior Planner, touched on this during the presentation, but wondering if he can repeat it in terms of the side yard and rear yard setbacks, what is contemplated with what they see here in the concept.);* Mr. L. Mottram, Senior Planner, responding that this concept plan would provide for a 6 metre rear yard setback and that would be along the westerly rear yards of the four dwelling units as well as the southerly rear yards of the other two dwelling units south of the common access driveway; the side yards are a minimum of 3 metres and that is set by the zone standards of the requested R6-2 Zoning.
- Laverne Kirkness, Kirkness Consulting, on behalf of the applicant – indicating that Artisan Homes has been building homes in this city since 1985 and are well reputed; advising that he has three areas to cover, one is that he would like to thank Development Services and Larry Mottram for their supporting report for the six unit detached vacant land condominiums; expressing agreement with the staff report; asking that the Planning and Environment Committee support it and put it in front of the Municipal Council for their adoption; indicating that there are reports that they prepared to make a complete application such as the Final Proposal Report which is the planning justification, the Neighbourhood Character and Compatibility Report, a Tree Inventory and Preservation Report and a number of Engineering briefs and memos that helped to make this application complete and thorough and he thinks the City staff have acknowledged that; advising that Artisan wants him to convey to the Planning and Environment Committee that they are concerned, even about the thirteen letters that were received that have expressed concerns; noting that there were approximately one hundred thirty letters that went out and to have thirteen letters come back for an infill proposal is, in his view, relatively not many; stating that is not to minimize the concerns but it is to put some kind of quantitative aspect, there is no major petition here or something to oppose it but there are concerns and Artisan said let us deal with those; the key word is compatibility of course with infill, how to be sensitive to the abutting neighbours; noting that these six slides try to demonstrate further than what already Mr. L. Mottram explained in page 180 and 181 of his report about how he is responding to the neighbourhood concerns; noting that he will go through these quickly, they are pictures and they take you around the perimeter of the site visually and show what it looks like and what they would do in addition; showing an orientation plan that the Planning and Environment Committee has already seen, you can see the six units, these are lots but in the condominium world we call them units and upon each one we put a dwelling unit and then as you can see on the upside, you can see 465, 461, 459, 457 and 455 Hale Street, those are the four properties abutting the north, east and south sides and then there are three properties, 81 through 85 Heather Crescent on the west side and in addition to this already internalized site design they have front yards facing front yards and not into people's rear yards that exist is a major step in what they think is compatible; advising that they already have aspects of built-in interface that help to deal with compatibility; in addition to the zoning, site plan approval will require supplemental planning and they will have to talk to that neighbour as to whether or not they would also build a privacy fence or simply use that one but you can see that there is already something there; noting that there is a three metre side yard; pointing out that they do not wish to disturb the vegetation abutting 81 Heather Crescent; however, with these infill developments they have to make a point to talk to the neighbour about what would they see fitting; do they want to leave that alone or do they just want a privacy fence which Artisan is prepared to build with supplemental planting on Artisan's side or their side; starting off with something pretty decent; talking to the three neighbours along Heather Crescent to see what they feel in terms of compatibility. See attached presentation.
- *(Councillor A. Hopkins enquiring about how many bedrooms the units will have.);* Mr. J. Knoester, Artisan Homes, responding that what they intended to do here was, this area does not have any new single family homes available and what they were looking at was

3.5

to build three bedrooms with possibly finished basements in here; the houses will be around 1,500 square feet on two levels with the potential to develop another 500 square feet in the lower level; they will all come with two car garages, all be brick, all be sided with the highest quality material they can use; advising that there is a lack of affordability with new houses as the price of land, the price of construction has gotten so high that when you throw out a number like \$400,000 people go, well it is impossible to find something new with a two car garage for that and that is what these will do, these will be in that price range so they will not be a detriment to that neighbourhood, they will increase the value of whatever is going on in that neighbourhood; the other thing is, they were talking about the idea of the existing house and what they did was to leave the existing house, they could have taken it out and incorporated it and wound up with the frontage they needed but this suited the neighbourhood better; as a matter of fact, if you drive by 459 Hale Street, except for the sign that says that there is a rezoning application, you cannot even tell the property is back there and how he knows that is because if people knew that, they would have fifty other developers trying to develop in the last five years; reiterating that you can drive past this site 100 times and never know or even see it; when the houses are in there, the houses that sit, 1 and 2, will be sitting behind the existing two houses and the other ones will be way at the back, you will have very much difficulty seeing them but they are really good quality houses, reasonably priced in a neighbourhood where you cannot find new houses; *(Councillor Turner interrupting and indicating that the Councillor had asked how many bedrooms.)*

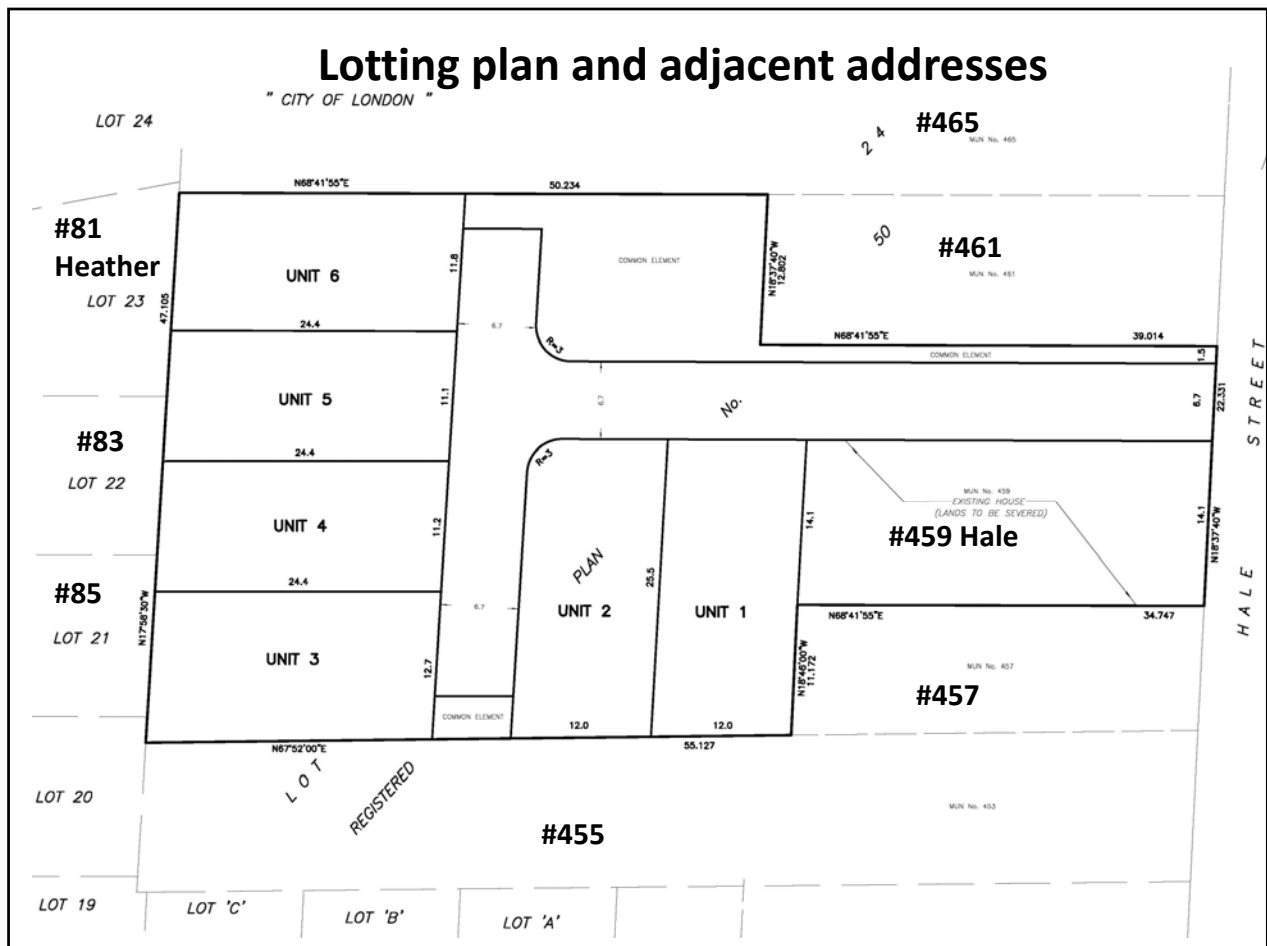
- Darrell Laraway, 465 Hale Street – indicating that he does not want to see this happen; advising that is it going to create more noise and there is already a lot of noise on Hale Street because of the roundabout and he is sick of that; expressing concerns about the storm, where are they going to put the water; it is going to go right against one of his trees, he has a great big maple tree there, he has a big swimming pool and he thinks it is going to do something to it; advising that they have birds of prey in the backyard that feed all the time and it is going to do something to them; they are going to have to remove the groundhogs on the property; reiterating that he does not want to see it; advising that he is ready to retire, he has been in that house for twenty-five years and it is going to invade his privacy not only with the noise of building it, but the noise after, all the car doors, everything else, he does not want to see it happen.
- Resident, 455 Hale Street – indicating that there is going to be a wall spanning the entire length of his property; advising that never again will he see another sunset; noting that this weekend he looked out, saw the sun and a nice red sky and that is going to be gone, he will never ever see to the west of his property again as there is going to be a house with windows looking onto his yard and it has been said that there is no invasion of privacy but there is lots; any of his neighbours on Heather Crescent will no longer see the sunset; when he first heard the proposal, to say that he was a little more than angry is an understatement; these condos are going to make the whole area look terrible, this is out of place with the character of the neighbourhood; it will never blend in, it is an eye sore; advising that he did not put a lot of blood, sweat and tears into his place to have some stranger, who is never going to live there, destroy it all; to have someone come in and build a wall with windows just mere feet from where he eats and cooks; these condos are so close they can look out their windows and literally see what he has on his barbeque grill; stating that a 1.8 metre fence is not tall enough; indicating that he looked Google Earth from above these houses and he can see right where he sits; noting that he has a hot tub right there and you can see inside of it; indicating that they will see him in his hot tub and he is sure he will have to relocate it at his expense; advising that it is literally an intrusion of his privacy and most people will say oh well, it is not in my neighbourhood but it is in his neighbourhood and he is not happy about it; advising that not one person on this Council would want this in their backyards so why should they; stating that the developer had a tree assessment done to have some trees removed because there is something wrong with them; lies; believing the only thing wrong with these trees is that they are in his way; indicating that the builder, Artisan Homes, does not care about the impact on the community surrounding this lot, they only care about the impact on their wallets and this is evident by the sheer size squeezed into that area; in one of the renderings there is a picture of some kind of lush vegetation growing in his backyard blocking the view of the condo; another lie, this does not exist; *(Councillor Turner interrupting and stating that claiming the validity or falseness of a statement that speaks into somebody's character and he would ask that he refrains from that; he can certainly make comments to the merits of the proposal but please do not claim that something is a lie if you do not have something to back that up because that might get*

you into trouble.); indicating that there is a picture of it, a rendering; advising that the backyard of the property has only been cut once in the year that he has owned it and the only reason that lawn was cut was because of complaints from the neighbourhood; indicating that there have been complaints again and it is still not cut; he does not care about what is going on, about the property, he does not care about the people that live around it, he does not care about the neighbourhood that is there; all he cares about is building these homes and leaving, good bye, see you, have a nice day.

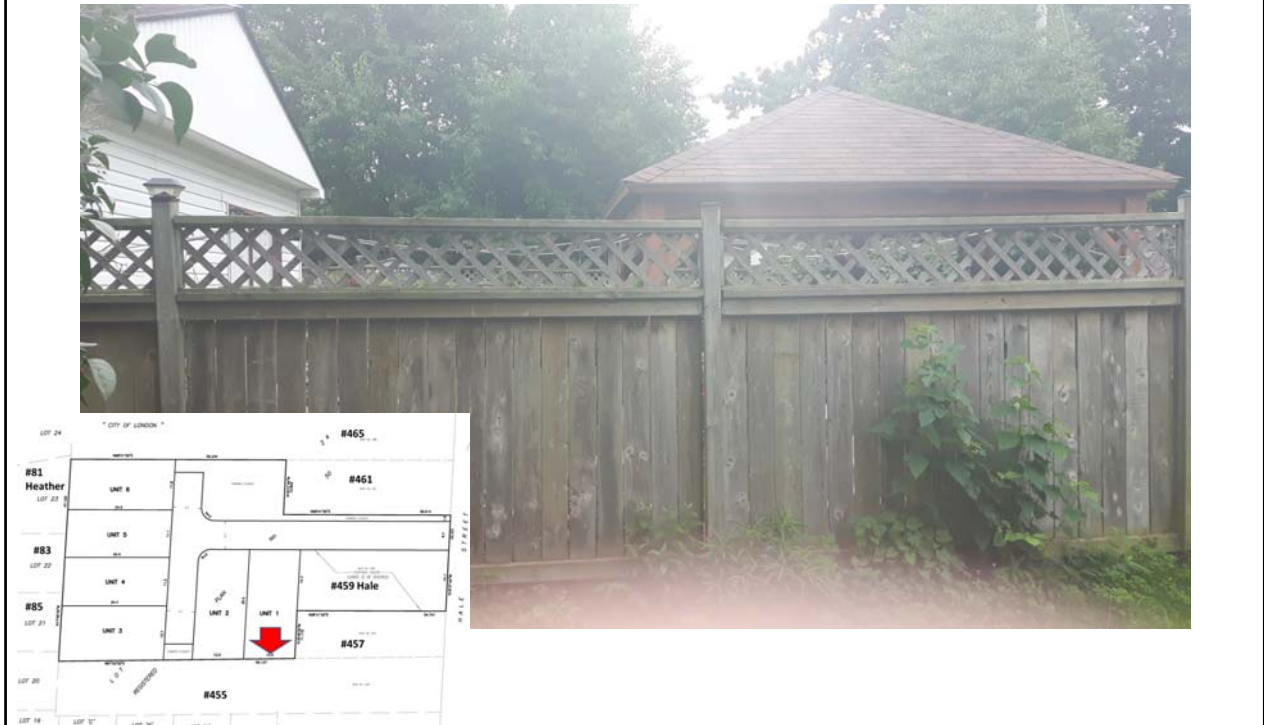
- Jared Townsend, Argyle Community Association – indicating that clearly there are a lot of people in their area that do not like it so he is going to have to go ahead and say that he does not want to see it either because you have this guy with the groundhogs, that guy with his privacy and it is just like they do not want it done so do not do it.
- Brian Tourout, 461 Hale Street – advising that they came out to the meeting to hear what the neighbours had to say; expressing concern with the garbage trucks and how the garbage is going to be taken care of; expressing concern with the height of the fence; advising that he does not believe that 1.8 metres is high enough, it is a little short for the neighbourhood; indicating that the neighbourhood has a lot of break-ins from people jumping fences and an easy access on the way through to Heather Place is probably an easier way for them to get through; expressing concern because he has seen in the past builders come in without thinking of the intent of the neighbours around it and he wanted to make sure that they keep in mind; seeing the pictures of the backyards, he does not have those trees in his backyard; for a staggered fence on a big, long driveway, everyone can see right down through his backyard and the privacy will be affected; hoping the builder would have discussed things more or maybe try to work with it a little bit more, he does not know but there are a few concerns and he would like to see a responsible decision made for this.

Artisan Homes Inc. 459 Hale Street, London

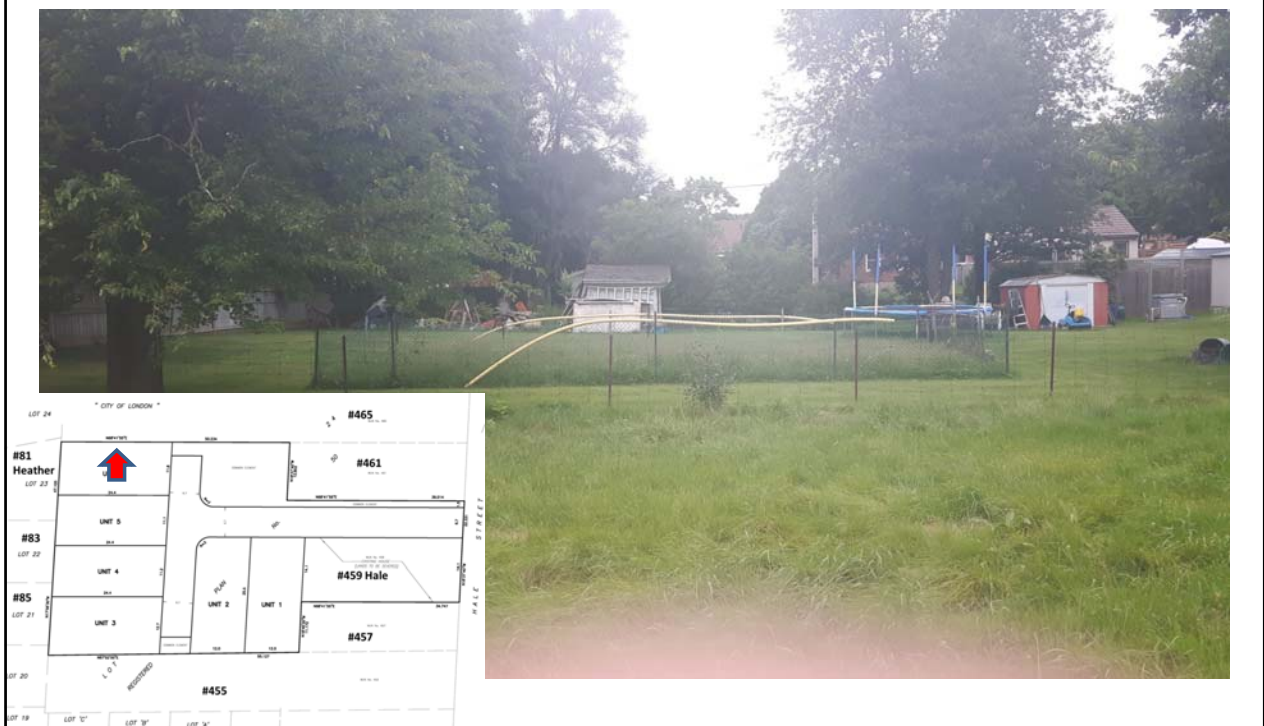
Public Meeting
Planning and Environment Committee
September 10, 2018



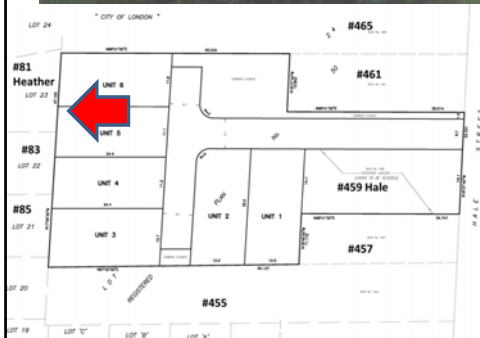
Looking south from rear of Unit (lot) 1 onto 455 Hale street showing existing fence and garage - shed.



Looking north from the Unit (lot) 6 adjacent to 465 Hale street – also 90 m deep. The house on lot 6 will be at least 100 ft. away from the house at 465 and well away from the pool area and garden and storage place.



The rear of Units (lot) 5/6 backing onto 81 Heather Crescent. Note vegetation and fencing



The rear view from lot 4/5 backing onto 83 Heather Crescent. Note the large concrete block workshop at neighbour's rear yard boundary.



Looking west from Unit (lot 3) and part of Unit (lot) 4 backing on to 85 Heather Crescent. Again, note trees at rear yard boundary



Closing Comments

- Policy framework focus is about INFILLING.
- COMPATIBILITY
 - Existing fencing and vegetation
 - Additional fencing and landscaping thru SPA
 - Setbacks are not being reduced
 - Density and Frontage are slightly reduced (10%) to preserve existing residence
 - 129 letters sent out – 13 replies in writing (10%)
 - 7 abutting land owners – 3 replied

Community and Protective Services Committee

Report

13th Meeting of the Community and Protective Services Committee
September 11, 2018

PRESENT: Councillors M. Cassidy, V. Ridley, B. Armstrong, M. Salih, P. Squire, Mayor M. Brown
ALSO PRESENT: Councillors J. Helmer, T. Park, H. Usher and M. van Holst; A. Anderson, J. Bunn, S. Datars Bere, C. Deforest, L. Hamer, G. Hosiawa, O. Katolyk, L. Livingstone, J.P. McGonigle, D. O'Brien, M. Ribera and B. Westlake-Power

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

2.1 Contract Award - Tender No. T18-83 – Vehicle Hoist for Apparatus Repair Bay - Irregular Result

That, on the recommendation of the Fire Chief, with the concurrence of the Managing Director, Neighbourhood, Children and Fire Services, the following actions be taken with respect to the staff report dated September 11, 2018 related to a Vehicle Hoist for the Fire Station 2 Apparatus Repair Bay:

- a) the bid submitted by Garage Supply Contracting Inc., 325 Line 13 N, Oro-Medonte, Ontario N0L 1T0, at its tendered price of \$190,020.00, (HST extra), BE ACCEPTED; it being noted that this is an Irregular Result under Section 8.10 (b) 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 appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts which are necessary in connection with this project;
- d) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract with the contractor for the work; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2018-F18)

Motion Passed

3. Scheduled Items

3.1 Vehicle for Hire By-law

That the following actions be taken with respect to the Vehicle for Hire By-law:

- a) the Civic Administration BE DIRECTED to report back to the Community and Protective Services Committee (CPSC) with respect to Vehicle for Hire By-law revisions, in the spirit and intent of the related staff report, that include the following:
 - i) Administration/Licensing Fees and Application Process:

- removal of the following fees:
 - vehicle broker affiliation;
 - owner licence transfer;
 - vehicle substitution;
 - driver licence fee for private vehicles for hire; and,
 - administration fee for short term licences (less than 24 months);
 - addition of a new fee for smaller fleets of private vehicles for hire;
 - reduction of the appeal fee;
 - increased per trip fee for private vehicles for hire; and,
 - streamlined application process for private vehicles for hire;
- ii) Fares – deregulation of fares to allow broker flexibility and continuation of minimum fare; it being noted that brokers will be subject to administrative regulations related to fares;
- iii) Age of Vehicles – increased allowable age limit for cabs, limousines and private vehicles for hire, to ten years; it being noted that older vehicles could be subject to additional safety checks by way of an administrative regulation; and,
- iv) Cap on Accessible Cabs – the ratio of accessible cab owner licences be increased, resulting in 10 additional licences to be issued from the Accessible Cab Priority List;
- b) the Civic Administration BE DIRECTED to report back to the CPSC with respect to:
- i) potential incentives, including, but not limited to, potential incentives and/or grants for converting and/or operating accessible vehicles and fare incentives; it being noted that this report should address the feasibility of accommodating incentives retroactively; and,
- ii) the results of further consultation with stakeholders, regarding the cap on cab owner licences and potential economic ramifications to the industry, of the revision to the current cap;

it being noted that the CPSC received the attached presentation from the Chief Municipal Law Enforcement Officer;

it being pointed out that at the public participation meeting associated with this matter the individuals indicated on the attached public participation meeting record made oral submissions regarding this matter. (2018-P09)

Motion Passed

4. Items for Direction

4.1 Parking Permit - Overnight Parking for Health Care Workers

That the Civic Administration BE DIRECTED to work with health care agencies in the City of London to make available parking passes, on a set term length (renewable), based on compassionate grounds where overnight care is being provided; it being noted that a communication dated September 11, 2018, from Councillors M. Cassidy and T. Park, was received with respect to this matter. (2018-T02)

Motion Passed

4.2 Request for Delegation Status - A. Oudshoorn - London Homeless Coalition Update

That the delegation request from A. Oudshoorn, with respect to an update on the London Homeless Coalition, BE APPROVED for the October 10,

2018 meeting of the Community and Protective Services Committee.
(2018-S14)

Motion Passed

5. Deferred Matters/Additional Business

5.1 Deferred Matters List

That the Deferred Matters List for the Community and Protective Services Committee, as at August 31, 2018, BE RECEIVED.

Motion Passed

6. Confidential

6.1 Solicitor - Client Privileged Advice

That the Community and Protective Services Committee convene in closed session with respect to the following matter:

6.1. Solicitor - Client Privileged Advice

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and giving directions or instructions to the solicitors, officers or employees of the municipality in connection with such advice relating to the Vehicle for Hire By-law L.-130-71.

Motion Passed

The Community and Protective Services Committee convened in camera from 4:30 PM to 5:04 PM with respect to the above-noted matter.

7. Adjournment


The meeting adjourned at 10:12 PM.



Vehicle for Hire By-law Public Participation Meeting




September 11, 2018




Council Direction

- administration and licensing fees
- application process
- fares (including the ability for brokers to set fares)
- posting of fares
- vehicle requirements (including age of vehicles)
- removal of cap on accessible and regular plates



Communications with industry

- “On the ground” conversations with drivers
- Notified brokers via email
- Notified licensees by mail
- Notified customers at counter
- Multiple newspaper advertisements
- Posted draft by-law mid August on web



Proposed Fees to be Deleted

- Vehicle-broker affiliation
- Owner licence transfer
- Vehicle substitution
- Priority list application fee
- Driver licence fee for private vehicles for hire



Proposed Fees to be Amended

- New fee for smaller TNCs: 1 to 50 vehicles
- Private vehicle trip fee increased to \$0.25



Proposed Application Process

- Fees deleted
 - no need for City Hall attendance
- Private vehicles for hire
 - registration / audit process
- Length of licence period



Proposed Fares

- Set by Brokers
- Increased competition, discounts, flexibility
- Responsibility of Broker to advise the municipal regulator




Proposed Vehicle Requirements

- Cameras
 - voluntary (mandatory notification)
- Age of vehicles
 - 10 years for private vehicles



Proposed Cap on Licences

- Remove from all vehicle categories
- Numerous studies:
 - Price Waterhouse
 - Transportation Law Journal
 - Cato Institute
 - Canada Competition Bureau
 - KPMG (Ottawa)
- Technology solved consumer knowledge limitations



Summary

- The Vehicle for Hire By-law:
 - is a fluid document
 - open to amendments
 - focuses on the municipal purposes of health and safety and consumer protection
 - recognizes the advancement of technology and the modernization of the on-demand transportation marketplace
 - regulations must allow the industry to thrive

PUBLIC PARTICIPATION MEETING COMMENTS

3.1 Vehicle for Hire By-law

- P. Moore – providing the attached submission.
- A. Baroudi, Baroudi Law – speaking about the submission appended to the Added Agenda.
- G. Gold, U Need A Cab – speaking about the submission appended to the Added Agenda.
- I. Turnbull – indicating that accessible cabs should be called wheelchair cabs, in his opinion, speaking about a past experience he had trying to order an accessible cab for his wife; noting that he has contacted his Member of Parliament and has spoken to Orest Katolyk; indicating that much of what he wanted to speak to was covered by P. Moore; stating that there is a demographic shift in the population and there is mandated compliance with the Accessibility for Ontarians with Disabilities Act (AODA) in 2025.
- R. Caranci – indicating that he does not want to be here; stating that the industry has not been listened to over the years; noting that he is not present to complain about Uber, they are a fact of life; stating that it is a disgrace the way the industry has been treated and that there it has been proposed to remove the cap on licences; indicating that a number of people in the industry are immigrants trying to make a living; outlining the struggle some have faced to get their businesses up and running; acknowledging that there may be a few people in attendance who do want the cap lifted; outlining his experience with this industry; pointing out the Class A and Class B licences; noting that many companies now have their own apps; noting that cabs are mandated to take cash, debit and credit cards; pointing out that the London Transit Commission is not mandated to operate as much as cabs are; stating that this term of Council has not listened to the industry; pointing out that cab drivers provide a valuable service to the City of London; noting that the industry is not against adding additional accessible plates but that removing the cap is wrong; asking the committee to consider what they will do to the cab industry in London if they make the wrong decision.
- J. Kukurudziak, London Taxi Association – indicating that the proposed by-law should have had a consultant hired to review and present an unbiased report on the industry; pointing out that Council created the transferrable plates, not the cab industry; stating that many people have lived within the framework of the by-law for many years; outlining solutions for the so-called “black market” for plates; describing the plight of some drivers he has worked with who came to Canada from other countries; stating that better service will not result from the proposed changes; indicating that if the proposed by-law is passed, the City will be taken to court.
- B. Howell, 62 Forward Avenue – stating that he believes that the onus of wheelchair accessible cabs should not be on the taxi industry; outlining the way accessible cabs operate throughout the day and how difficult it can be to make money driving them; suggesting that the City should subsidize the accessible cab industry as it and the regular cab industry do not mix; stating that a consultant should be brought in to review the whole industry; speaking about the new transit system being proposed as well as the possibility of more cabs on the road and the traffic problems that will cause; suggesting that people who cannot get a plate could drive for Uber; reiterating the need for a consultant report before a decision is made; outlining changes that need to be made to make the rules fair for cabs and for Uber.
- T. Akanpour, – indicating that he has driven an accessible taxi since 2009; pointing out that he had to pay \$15,000 for a ramp for his taxi and he also has to do more work than other drivers in order to make money; stating that he sometimes has to drive from one end of the City to the other for only \$5, which is his gas money for that trip; suggesting that Uber should be

- considered separately from cabs; indicating that there should be a subsidy for installing ramps in accessible cabs.
- K. Mohammed – indicating that he has been self-employed as a driver for eighteen years; outlining issues with Uber drivers flooding the market at night time and nothing is being done; stating that many people in attendance are self-employed and pay taxes; indicating that in the summer there are four months with no business for the taxi industry because London is a college city; stating that most drivers wait for the winter to make money and now Uber is making that more difficult; expressing frustration that it is being suggested that the cap be removed, that it would hurt many self-employed people.
 - Tony Ram – indicating that he has been a driver for 33 years; stating that not everyone in the taxi industry received a letter about this meeting, as was suggested earlier; outlining issues with Uber.
 - Mr. Alihan – noting that he has been a driver for more than ten years; indicating that was hard to make a living before Uber came and now it is harder; outlining that if the cap is removed on plates, nobody will be able to make money; requesting that a consultant be hired before a decision is made on removing the cap on plates; stating that the city needs to control the fares for cabs in order to prevent unfairness.
 - H. Savehilaghi, Yellow London Taxi – expressing sadness about the submission of I. Turnbull; referencing a joint submission from brokers in the City given to Members of Council; outlining his thoughts on accessible cabs; indicating that taxi brokers and drivers are part of the solution for this issue; stating that he would like to see both sides come together and find a solution; indicating that there is an anti-regulation approach taken by Council; expressing frustration that the taxi industry is targeted again and again with new rules and regulations that hurt the industry; stating that he believes the Council has been misled regarding how the taxi industry has been operating; indicating that Uber was allowed to operate for two years illegally and that there were charges against them that were all dropped by the legal department while no charges against taxi drivers have ever been dismissed; stating that this is a double standard.
 - I. Omer, 2143 Collingham Drive – indicating that he has been a driver for 25 years and he is currently the president of U Need A Cab; pointing out that there is a misconception among Councillors with respect to the terms taxi drivers and taxi company; stating that brokerages in London are owned by taxi drivers that worked their way up to own; expressing that now these brokerages feel threatened by the proposed removal of caps on cabs which is the opposite direction of a number of other cities; outlining that the owners of the brokerages in London would like to work together to find a solution for the issues with accessible cabs; speaking about the ratio of regular and accessible cabs; requesting that the cap on cabs not be removed; stating that a consultant needs to be hired that is an expert on the taxi industry to write a report on why the industry is the way it is; stating that the industry is being held hostage.
 - N. Abbassey, Your Taxi.London – referencing the joint submission from brokers in the City given to Members of Council; stating that he is only asking for a fair and transparent by-law; requesting that the concerns of everyone in attendance be taken seriously; indicating that they have put their trust in the Council when they elected them so they hope that Council makes the right decision which is beneficial for the consumers as well as those working in the industry; outlining that removing the cap on cabs will cause more traffic congestion in the city; requesting that the yearly fee for licences be reduced from \$750 due to the loss of income in the last couple of years; indicating that there should be an increase in the taxi fares; outlining that the taxi industry provides direct phone lines for those who do not have a smart phone; indicating that the industry wants to be part of the solution with respect to wheelchair accessible cabs; stating that, currently, public safety is being neglected.
 - D. Abdellah, Checker – indicating that she has been in the industry for 25 years; stating that she is very shocked by the changes proposed; requesting

- that a professional consultant be hired to come in and listen to those working in the industry; expressing that those in the industry do not feel that they are being heard and that they need to be involved in the decisions being made; stating that when Checker Limousine started a number of years ago, the taxi industry was very upset but it was done legally, unlike some other companies; expressing a willingness to have meetings with Council and with a consultant to ensure that everyone is heard.
- Z. Hammed - indicating that he has been a taxi driver for more than 10 years, stating that he is a driver, he does not own a plate, outlining that insurance is increasing and that the lease of plates is expensive, expressing that City Hall needs to help out with compensation.
 - F. Sagar, 4 Poplar Crescent – requesting that the Committee be fair when deciding on their vote for this issue and think about the families that will be affected; indicating that the industry has been struggling since Uber came to London; outlining how many cars are on the road now and how that affects traffic and pollution; indicating that the demand is not there for more cabs on the road; requesting that those that work in the industry be consulted on this matter.
 - Badir, 838 Wildrose Lane - indicating that he has been a taxi driver for ten years; enquiring as to why the taxi licence is \$750 per year but it is not the same for Uber; stating that he understands that the licence fee for taxis helps the City, but it would also help the City if Uber paid for a licence as well; indicating that he feels that the City should continue to control the fares for taxis; stating that he agrees that there are not enough accessible cabs but that should be addressed separately from the cap on regular cabs to avoid hurting business; stating that it is not safe for the community to have more taxis on the road as there are a lot of them already; indicating that the industry has already been hurt by Uber coming and it needs help; reiterating that Uber drivers should also be required to buy a licence and pay \$100 or \$200 per year.
 - Martin, 600 Grenfell Drive – stating that all the people present are citizens of Canada and everyone has chosen different ways to make a living, taxi drivers serve the community and so do the Councillors; outlining the ways that technology has changed the industry; indicating that it will be unfortunate if the value of taxi plates decreases, but that is the way of the world; comparing it to the housing market values; expressing frustration that owners of plates pay \$750 a year and then charge drivers \$450 a week to lease the plate; stating that it is very difficult for drivers to make money and they need to be able to have their own plates; noting that owners of plates tell drivers they can drive for Uber if they do not wish to lease plates but owners of plates could also drive for Uber if they are unhappy that their plate has lost value; requesting that the City regulate the lease of taxi plates.
 - A. Hammoud – see attached submission.
 - H. Woldemicael, Green Taxi – see attached submission; outlining the challenges that face accessible taxi drivers and suggestions to improve this.
 - F. Bander – indicating that he is the owner of a plate and an owner and operator of a brokerage; submitting the attached petition, signed by 123 individuals; outlining the challenges faces taxi plate owners; noting that it is difficult to find a solution that works for everyone, drivers and owners; indicating that he runs half of the accessible taxis in the city; stating that he has met with Councillor Cassidy to discuss the challenges facing accessible taxi drivers; outlining incentives for accessible taxi drivers that would help the industry; stating that the taxi model needs to be changed to be more similar to Uber.
 - Ali, Yellow London Taxi – indicating that he has worked for Yellow London Taxi for just over two years; outlining that complaints that stem from exceptional circumstances happen because this is not a perfect world; stating that he pays rent to the owner of a plate to drive his taxi; indicating that he has been able to work an acceptable amount of hours and make an acceptable amount of money while still being able to see his family;

stating that when Uber came and was allowed to operate with a different standard than taxis it caused problems; indicating that he now has to put in more hours to reach an acceptable level of living and has less time to spend with his family.

- Mustafa – indicating that he has driven a cab for twenty years; stating that he objects to the unlimited cab licences; indicating that for many years, taxi drivers have worked hard to ensure compliance with the taxi by-law; outlining the challenge to compete against the Uber model and the drastic impacts to their livelihood; stating that the introduction of Uber has reduced the clientele for taxis; stating that while trying to remain competitive with Uber, the proposed by-law introduces new changes that threaten their livelihood again; requesting that the committee reject the proposed by-law.
- S. Malfuadi, 450 Highland Avenue – stating that the Mayor made a statement in the past that this Council will make evidence-based decisions and there is not enough evidence for Council to make that kind of decision on this issue; indicating that the subject of removing the cap on cabs should be sent back to staff to do more consultation with the industry; enquiring as to why the taxi industry is being targeted; requesting that the Committee reconsider this and try to help the taxi industry.
- J. Hassan, 600 Sarnia Road – indicating that he has been driving for 25 years; stating that he does not support the price change; stating that everyone seems to be talking about money in their pockets and as a driver, trying to support his family, he needs a taxi plate; requesting that the Committee think of the drivers, who cannot afford to hire a lawyer to represent them, when making their decision on this matter.
- Driver, U Need A Cab – indicating that he has been a taxi driver for 25 years; stating that he did not receive a letter about the changes to the by-law and the meeting tonight; indicating that the by-law allows plates to be transferred from one person to another and it is not breaking any laws and if that is changed it will be a problem; stating that drivers who have bought plates were thinking long-term to their retirement; noting that taxi drivers have been playing by the rules and just want the industry to be regulated fairly; stating that Uber started operating illegally in the city and now they are recognized and allowed to operate; stating that he has lost his confidence in this Council.
- M. Osmon – stating that most of his talking points have been addressed by other speakers; pointing out that he does have sympathy with the plight of some of the drivers regarding the cost of operation; stating that drivers have lost some revenue but brokers have not; indicating that he hopes that will be addressed; stating that the issue of a plate sitting at City Hall with no driver for three months needs to be addressed; requesting that the plate leasing issue be addressed; stating that for drivers, the cost of \$450 per week is only a fraction of their cost of operation so changing that will not solve the whole problem; stating that he is against removing the cap on cabs but drivers are suffering more than brokers and the by-law needs to be adjusted so it is fair for both groups.
- Ahkmed, 42 Hammond Crescent – stating that he is an owner/operator and started with nothing and worked his way up to buying his own plate; indicating that it costs him \$450 per week to operate his cab and nothing comes free in life.
- Driver – indicating that he has been a driver for thirteen years; stating that the cab industry is dying slowly but the draft by-law will kill it faster; outlining challenges facing drivers.
- C. Shay, Uber Canada, 1209 King Street West, Toronto – speaking about proposed amendments to the ridesharing portion of the proposed by-law; stating that there are a number of registered Uber drivers in London but only a few of them are online at the same time; indicating that Uber is an income supplement for drivers; outlining the proposed changes in the by-law for registration; stating that he is supportive of the tweaks to the application process; indicating that the changes proposed are already in effect in other cities and it has been reported that it is working well; stating

that he agrees with the proposed change to the age of vehicles; noting that he is in favour of the City recouping the administrative costs of issuing licences; stating that the proposed by-law eliminates some fees but increases the per trip fee and he is concerned that the increase is a little high.

- Mahoumza, Driver – requesting that the Committee think about what the purpose is of deregulating plates; stating that deregulating the plates would have a substantial effect on the financial reality of a number of people, which would have an effect on quality of life; suggesting that if there is evidence to prove that deregulating the plates would benefit the industry, that is fine, but there is no evidence to that effect so he is not in favour of deregulation.
- J. Shales – indicating that deregulation of the industry is going to lead to a glut of cars on the road and problems for London; stating that a micro experience that people have when they are considering moving to London is riding in a taxi and if there are too many taxis on the road they will be more run down and it will paint a negative picture of London for visitors; suggesting that we think about promoting London's brand; noting that with online retail, the City is losing a large amount of money in retail taxation so we need to focus on bringing people and industry into the city.
- M. Saline – enquiring as to what happens to a taxi plate if it is off of a vehicle for more than three months; expressing frustration that he needs to find a plate owner and work out an agreement with them to use the plate, but the plates actually belong to the City; suggesting that instead of removing the cap on plates, the City should control the lease of plates so everyone can benefit; outlining the differences between owners of plates and those that lease them and how difficult it is for those that lease to make ends meet.
- Asafat – indicating that he has been in the taxi industry for 25 years but he had to transfer his plate and now he is on a waiting list for one again; stating that he is not in favour of removing the cap on plates; indicating that it is hard to compete with Uber; suggesting that a member of Council should be from the taxi industry so they could represent the industry.
- Ahzedine – stating that he has been a driver for 22 years; indicating that he had to borrow money to buy a plate but if he had known it would be free in the future, he would not have done so; suggesting that it is not fair to those who have invested in plates to have the cap removed; outlining the issues on Richmond Street, at night, with respect to taxi drivers fighting with each other over fares; noting that putting more cars on the road will only make that worse.

Penny Moore

3.1

ACCESSIBLE TAXIS

Sep 11 2018
CPS. mtg
Centennial Hall

Accessibility – service delivery model that considers the aging population and meets the needs of the accessible community

Equal access by persons with disabilities, older Ontarians, and families with young children to adequate, dignified public transit services is a right protected under the Ontario Human Rights Code. For many, it is also a necessity – in order to obtain an education, find and keep a job, or use basic public services like health care. Lack of access to transit may also lead to isolation, as visiting friends or participating in the life of the community becomes difficult or impossible.

Accessible transportation promotes independence for people with disabilities, and their ability to take part in employment, education, recreation, and social activities, as well as being able to buy goods and get access to services like health care. Accessible transportation is essential for the inclusion of people with disabilities in our communities and for things people without disabilities daily take for granted.

Unfortunately, equal access to transit services is far from reality for many Ontarians.

AODA (Accessibility for Ontario Disabilities Act) legislation “requires Ontario to become totally accessible by 2025 for people with disabilities. That Ontario is to be accessible to all persons regardless of disability.”

As a quote from Dean, G. Raymond Chang School of Continuing Education, Ryerson University, Toronto

-national accessibility legislation is an act of human rights and inclusion. Nobody wants to live in isolation or feel forgotten by society.

Ld4

3.1

- There are less than 7 years to go before 2025. Yet transportation services are still not fully accessible to people with disabilities. In many respects they fall far short.
- Many people with disabilities live at or below the poverty line. Many cannot afford their own car. Many cannot drive due to their disability. Transportation services, whether public or private, are, for all practical purposes, their "car".
- The taxi industry plays an integral role in the public transportation network, providing a safe, professional, reliable and accessible 24/7 service in a regulated environment.
- Accessible means a passenger vehicle or a bus, other than a school bus, that is designed or modified to be used for the purpose of transporting persons with disabilities
- City of Ottawa

Taxi and Limousine Regulations and Service Review October 1, 2015; Ottawa Population 883,391 taxi permits issued standard 1,001 accessible

187 totals taxi permits issued 1,188 Permits per 1,000 pop 1.34 Accessible Plates as % of Total 16%

1. London had a population of 494,069 as of the 2016 census. If we use this number for the population and compare to Ottawa with 16% the number of accessible taxi permits is

2. London, limited to one for every 18 taxi licenses. This works out to 5.5 % compare to 10% Hamilton and Ottawa

- Our population is aging and with aging there is more persons living with disabilities and mobility issues.

3.1

With London only having 5.5% of the total taxi permits issued to accessible taxis (1 out of 18 permits issued) there is not enough accessible transportation available.

A lot of time there isn't an accessible taxi available or on the road when needed.

Example being in the emergency at night get discharge to go home after the bus and para transit stop running; I have had to wait until the next morning around 7:30 am by the time I get thru the phone when the phone line at para transit opens to get home because I had phoned all the taxi companies in London and none had a driver with an accessible taxi on the road. So, to spend 12 hours unnecessarily in the emergency waiting room because no accessible transportation to get home is unacceptable.

Even Toronto has 10% of their permits issued to accessible taxis.

Persons with disabilities need reliable accessible transportation to contribute to their community whether it be employment, volunteering to make the community a better place, socialized with others which affects their well-being, self-esteem, mental health, the feeling of belonging; contributing to society, economical sustainability in the community.

Persons with disabilities are people too; without reliable accessible transportation such as the accessible taxis; most will be unable to be involved in society and be isolated.

Many persons with disabilities want to be involved in their community; most want to work, go to school just want to belong. But if there are

3.1

not supports in place especially reliable accessible transportation they are unable to participate like everyone else and are let alone on the sidelines making they have low self esteem depression loss of self-worth just and empty feeling. I would like everyone to put themselves in their shoes; it is not a pleasant feeling.

Conclusion: Accessible transit is a complex issue, involving many players. For advances to be made, all players – transit providers, municipalities, senior levels of government, non-governmental organizations, the Ontario Human Rights Commission itself, and persons with disabilities - must rethink their roles and responsibilities, and work together to find solutions. I ask that the policy of the accessible taxis permits be reviewed to increase the availability of the reliability of transportation as our population ages and the need for accessible transportation increases and before the year 2025 When Ontario is to be accessible and barrier free because it is not that far from now and we have a lot to do to get there. Let's move closer to making London more accessible and not wait until last minute 2025 everyone deserves to belong

Thank you

4 of 4

Tuesday-Sept-11-2018

Change bylaw

Ladies and Gentlemen, good evening.

To whom it may concern, City Hall of London

My name is Ali Hammoud, 30 years Taxi Driver, City of London, Ontario

To solve the problem of taxi business according to this meeting.

Step 1: Stop issue plates ^{FOR AT} ~~at~~ least 10 years from now, and to issue plates consider all taxies work in this field -taxies-ubar-checker-voyager and change the law to fit all together and should be every 2500 people per one plate.

Step 2: Stop ubar working if you can, (Europe- China-India) they stopped them because the taxi business had a very high expense , every taxi needed 3 thousand dollars every month. *Expense!*

Step 3: Renewal plate fees should only be 150 dollars, not 750 dollars.

Step 4: If you can't control ubar give, give every owner plate 150 thousand dollars to help them for the value of the plate because we invest our own money into our business!!!

Step 5: Age of car or taxi should not be more than 8 Or 9 years old because if there is ~~is~~ drivers on the taxi in seven years, the car will have at least 700 thousand km on it, how can that be safe???

Thank you for listening to us.

Sincerely, *by Ali*

2 SAFETIES / YEAR FOR ANY TAXI ON ROAD

*MORE THAN 4 YRS. APRIL + OCTOBER
APRIL & OCT.*

EXPENSE FOR TAXI EVERY DAY IF YOU WORK OR NOT

Insurance → 20

consention office fee 21

Repairs → 25

buy new car 15

every 3 years

car wash, 05

Licens Fees 05

total. 91 + cell phone.

wheelchair

GEEN TAXI: ~~Sedan~~ Taxi Operation

2018: Rides Completed = 14,587 Trips

11,585 Trips - On-Demand [79%]

3,002 Trips – Reservations [21%]

13,439 Trips - Phone Bookings [92%]

1,148 Trips - Mobile App Bookings [8%]

6,896 Trips - Bookings were accepted on the first attempt & arrived within 9.76 minutes.

4,122 Trips - Bookings were accepted on the second-ninth attempt & arrived within 17.23 minutes.

3,569 Trips - Bookings were accepted on the tenth attempt or more & arrived within 22.15 minutes.

4,296 Trips - Were under \$6.00

6,203 Trips - Were under \$10.00

4,088 Trips - Were above \$10.00

Average phone time to answer & enter a booking for sedan taxi is 29 seconds.

Average phone time to answer & enter a booking for wheelchair taxi is 45 seconds.

Average Price of Accessible Van = \$47,500 [Actual Cost (9 Vans) = \$551,054 Includes fees, interest, etc.]

Average Monthly Maintenance Cost Per Van: \$500

Average Fleet Age: 2015

Average Annual Fuel Costs Per Van - \$18,544 | \$1.22 Per Litre | 95,000 KM Per Year | 16 Litres / 100 KM | \$50.81 Per Day

Challenge:

1. Cost to maintain the existing fleet.
2. Funding to replace existing fleet (if necessary: ie. Accident) & increasing the fleet size.

Solution:

1. Allowing brokers to set the fares will allow us to price in a way that will allow us to be profitable. [ie. Minimum \$10 fare.]
2. Help secure funding from government for start-up costs, maintenance costs, and interest-free loans to acquire new vehicles.
3. Increase fees within the taxi industry to help fund some of the costs. [ie. Taxi business license fee increase.]

Prepared By:

Huruy Woldemicael

huruy@myGREEN.taxi



3.1

1. Vehicle Substitution/Replacement/Plate Renewal/Plate Transfer : Can we revisit this fee and see if it can be lowered or completely eliminated?
2. Vehicle age: amend the vehicle age maximum from 8 years to 10 years;
3. Central dispatch for all cab brokers control by the city.
4. Make the camera optional.
5. Release cab owner licenses to currently licensed drivers who have been licensed for more than five years or to the taxi company.
6. Vehicle-Broker Affiliation Charge: Can we revisit this fee and see if it can be lowered or completely eliminated?

Name	Phone Number	Signature
------	--------------	-----------

Bill No. 546
2018

By-law No. A.-_____ - ____

A by-law to confirm the proceedings of the
Council Meeting held on the 18th day of
September, 2018.

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

1. Every decision of the Municipal Council taken at the meeting at which this by-law is passed and every motion and resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted, except where prior approval of the Ontario Municipal Board is required and where any legal prerequisite to the enactment of a specific by-law has not been satisfied.
2. The Mayor and the proper civic employees of the City of London are hereby authorized and directed to execute and deliver all documents as are required to give effect to the decisions, motions and resolutions taken at the meeting at which this by-law is passed.
3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

Bill No. 548
2018

By-law No. CPOL.-____-____

A by-law to adopt a new Council policy entitled
“Access and Privacy Policy”.

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*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to adopt a new Council policy entitled “Access and Privacy Policy”;

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

1. The Policy entitled “Access and Privacy Policy” attached as Schedule “A” is hereby adopted.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

SCHEDULE "A"

Policy Name: Access and Privacy Policy

Legislative History: None

Last Review Date: August 15, 2018

Service Area Lead: Manager, Records and Information Services

1. Policy Statement

The Access and Privacy Policy is a general guide to the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA" or "Act").

The policy combines current practice and procedures and offers operational guidance to help staff:

- Understand the general framework of the legislation;
- Meet administrative and operational requirements; and
- Be aware of best practices.

The policy is not meant to provide legal advice. This policy should be referenced in conjunction with an up-to-date version of the legislation and regulations.

2. Definitions

Please refer to Section 2 of the attached Appendix "A".

3. Applicability

This policy applies to all City of London employees and governs the procedure by which City of London employees respond to Freedom of Information requests and protect personal information as required under MFIPPA.

4. The Policy

Please refer to the attached Appendix "A"

Access and Privacy Policy

TABLE OF CONTENTS

1. Purpose and Policy Statement.....	3
Audience.....	3
Policy Principles	3
Transparency.....	3
Accountability.....	3
2. Definitions.....	4
3. Roles and Responsibilities.....	6
The Head.....	6
City Manager and Service Area Leads.....	6
City of London Employees.....	6
Service Area Liaisons.....	7
Legal & Corporate Services – City Solicitor’s Office.....	7
4. Timely Response to Access Requests	7
Follow-up Process.....	8
5. Access Request Procedures	8
Receiving Requests.....	8
Clarifying Requests.....	8
Access Procedure	8
Time Extensions.....	9
Providing Records to the Head	10
Offence	10
Reviewing and Disclosing Records.....	10
Fees.....	11
6. Councillors’ Records.....	12
7. Access to Records of Personal Health Information	13
8. Appeals to the Information and Privacy Commissioner (IPC)	13
Offence.....	13
9. Personal Information.....	14
Protection of Personal Privacy.....	14
Collection of Personal Information.....	14
Retention of Personal Information.....	14
Use of Personal Information.....	14
Offence.....	15

Privacy Investigations.....15

10. Protocol for Responding to a Privacy Breach Under the act.....16

 Containment:.....16

 Notification:.....16

11. Appendices.....16

 Appendix A – MFIPPA PROCESS MAP17

 Appendix B – RECORDS RETRIEVAL FORM.....18

Access and Privacy Policy

A policy governing the procedure by which City of London employees respond to Freedom of Information requests and protect personal information as required under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 ("MFIPPA" or "Act").

1. PURPOSE AND POLICY STATEMENT

The Access and Privacy Policy is a general guide to MFIPPA.

The policy combines current practice and procedures and offers operational guidance to help staff:

- Understand the general framework of the legislation;
- Meet administrative and operational requirements; and
- Be aware of best practices.

The policy is not meant to provide legal advice. This policy should be referenced in conjunction with an up-to-date version of the legislation and regulations.

Audience

The primary audience for this policy is City of London staff.

Policy Principles

The following principles will form the basis of this policy:

Transparency

- As identified in the Strategic Plan, the promotion of an open and transparent government is important to the City of London.
- The City of London is committed to both the routine disclosure and the active dissemination of records when consistent with the principles and rules of the Act.
- The City of London will provide access to records and information in accordance with the principles and rules of the Act.

Accountability

- The City of London will take reasonable steps to protect the collection, use, and disclosure of personal information.
- The City of London will facilitate an individual's right of access as well as the ability to correct his or her personal information in the custody or under the control of the institution, subject to any legislative exemptions.

2. DEFINITIONS

The terms that appear below are referenced from the Act and relevant IPC guidance documents and Orders.

"Custodian" person or organization within the meaning of the *Personal Health Information Protection Act, 2004* ("PHIPA") that, as a result of his, her or its power or duties or work set out in PHIPA, has custody or control of personal health information.

"Experienced Employee" (IPC Order PO-3423), employees who were knowledgeable in the subject matter of the request and expend a reasonable effort to locate responsive records.

"Head" in respect of an institution, the individual or body determined to be head under section 3 of the Act.

"Information and Privacy Commissioner" and **"IPC"** mean the Commissioner appointed under subsection 4 (1) of the *Freedom of Information and Protection of Privacy Act*.

"Institution" (section 2 of the Act),

- (a) a municipality,
- (b) a school board, municipal service board, city board, transit commission, public library board, board of health, police services board, conservation authority, district social services administration board, local services board, planning board, local roads board, police village or joint committee of management or joint board of management established under the *Municipal Act, 2001* or the *City of Toronto Act, 2006* or a predecessor of those Acts,
- (c) any agency, board, commission, corporation or other body designated as an institution in the regulations; ("institution").

"Personal Information" recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) any identifying number, symbol or other particular assigned to the individual;
- (d) the address, telephone number, fingerprints or blood type of the individual;
- (e) the personal opinions or views of the individual except if they relate to another individual;
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the individual; and
- (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

"Personal Health Information" (section 4 of PHIPA), identifying information about an individual in oral or recorded form, if the information,

- (a) relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family;
- (b) relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual;
- (c) is a plan of service within the meaning of the *Home Care and Community Services Act, 1994* for the individual;
- (d) relates to payments or eligibility for health care, or eligibility for coverage for health care, in respect of the individual;
- (e) relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance;
- (f) is the individual's health number; or
- (g) identifies an individual's substitute decision-maker.

"Privacy Breach"

- (a) A privacy breach occurs when personal information is collected, retained, used or disclosed in ways that are not in accordance with the provisions of the Act. Among the most common privacy breaches is the unauthorized disclosure of personal information, contrary to section 32 of the Act. For example, personal information may be lost (a file is misplaced within an institution), stolen or inadvertently disclosed through human error (a letter addressed to person A is actually mailed to person B).

"Record" (section 2 of the Act), any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

- (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, an email, [an instant/text message](#), a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and
- (b) any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

"Responsive Record" (IPC Order PO-2554), any record that reasonably relates to, or is within the scope of a request under the Act.

"Reasonable Search" (IPC Order M-909 and [IPC Fact Sheet](#)), a search conducted by an experienced employee expending reasonable effort to identify any records that are reasonably related to the access request in locations where records in question might reasonably be located.

"Service Area Liaison" as designated by their Managing Director or designate, a City of London employee with sufficient experience and training in MFIPPA access processes and procedures who responds to the Head with respect to routine access requests on behalf of their department.

3. ROLES AND RESPONSIBILITIES

The Head

The Act prescribes Council as the Head of the Institution for the purposes of the Act. As Head, Council is accountable for decisions under the Act and for overseeing how the City administers the Act generally. This responsibility includes complying with access provisions of the Act, and ensuring that personal information that the institution collects, uses, and discloses is in compliance with the Act. Pursuant to section 49 of the Act, City Council has delegated to the City Clerk its powers and duties under the Act as per [By-law No. A.-6067-31](#).

For the purposes of this policy, the City Clerk or designate is responsible for:

- exercising the duties pursuant to Council's delegation of all its powers and duties as Head and properly discharging its statutory obligations pursuant to section 49(1) of the Act;
- receiving and managing the overall process of responding to access requests under the Act;
- communicating and liaising with staff, requesters, and third parties regarding access requests under the Act;
- preparing records for disclosure and determining access to records subject to the provisions of the Act;
- managing all aspects of the appeal process relating to access requests under the Act;
- communicating with Managing Directors and/or City Manager to resolve any delays by division staff in searching, retrieving or providing copies of records responsive to access requests under the Act;
- preparing and submitting the annual report to the IPC;
- providing training to employees on the Act; and
- administering, monitoring, and promoting all aspects of this policy.

City Manager and Service Area Leads

The City Manager (generally) and each Service Area Lead (with regards to his or her direct reports) is responsible for ensuring that the employees they oversee adhere to the procedures in this policy and the provisions of the Act.

The City Manager and Service Area Leads are responsible for:

- allocating sufficient employees and other resources to ensure that Service Areas comply with the access and privacy requirements of the Act;
- ensuring that employees meet internal and statutory deadlines for responding to access requests;
- ensuring that employees maintain division records in compliance with management policies and procedures, and the City of London's Records Retention By-law; and,
- appointing an employee to act as a Service Area Liaison between the respective Service Area and the Head.

City of London Employees

All City of London employees shall be aware of and comply with this policy as required and shall also be responsible for:

- maintaining records in compliance with management policies and procedures and the City of London's Records Retention bylaw;
- locating, retrieving and providing copies of records to the Head in response to a request made under the Act by the deadlines provided;
- participating in MFIPPA and records management training;
- communicating and cooperating with the Head with respect to requests made under the Act (for example, search time estimates, clarification requirements, concerns with records, etc.); and,
- providing the Head with a completed Records Retrieval Form (**Appendix B**).

Service Area Liaisons

Each Service Area (SA) shall appoint an employee to act as the SA Liaison between the SA and the Head in response to MFIPPA requests SA Liaisons will receive specialized training by the Head and shall be responsible for fulfilling the access request procedures set out within this policy.

Legal & Corporate Services – City Solicitor's Office

Solicitors in the City Solicitor's Office provide legal advice to the Head on access requests, as required. Solicitors in the City Solicitor's Office shall be responsible for:

- providing legal advice and opinions related to requests under the Act;
- representing (as required by the Head) the City on appeals to the IPC of the Head's decisions under the Act and in proceedings before the IPC; and,
- preparing representations or reconsideration requests, when requested by the Head, regarding inquiries conducted by the IPC in accordance with the timelines set by the IPC.

4. TIMELY RESPONSE TO ACCESS REQUESTS

The Head is legislatively required to respond to MFIPPA requests within 30 calendar days. Accordingly, requests are processed within 20 - 21 *business* days.

If the Head does not respond to a request within the 30 day time period, then the request is deemed to have been refused. The Act then entitles requesters to appeal immediately the "deemed refusal" to the IPC.

Because of the legislated time frames, employees should process MFIPPA requests on a priority basis. The Head will send a department letter requesting records directly to the SA Liaison with a specific deadline for the responsive records to be provided to the Head. Generally, 13-15 calendar days are allocated for staff to complete the search and provide copies of responsive records to the Head.

Search time estimates which exceed one (1) hour are to be provided to the Head with three (3) days of receipt of the department letter. If no search time estimate is received by the Head, the expectation is that the SA Liaison will provide responsive records by the due date indicated in the department letter.

Follow-up Process

If the SA Liaison has not provided the Head with a search time estimate and the Head has not received responsive records by the due date, the Head will follow-up as follows:

- Day Records are Due – Reminder to SA Liaison that records are due today;
- 2 Days After Due Date – If no response, a second reminder to the SA Liaison;
- 4 Days After Due Date– If no response, communication sent to the Managing Director advising that the division response is overdue and that, if the responsive records are not received in the next few days, the request will become overdue;
- 6 Days After Due Date – If no response, communication sent to the City Manager advising that the division response is overdue and that, if the responsive records are not received, the request will become overdue.

5. ACCESS REQUEST PROCEDURES

Receiving Requests

The Head will seek to determine whether a requester may obtain access to all or some of the requested records directly from the relevant Service Area; for example, by providing information that is public. Service Areas should advise the Head of any circumstances when they can routinely disclose certain records outside of the formal freedom of information access procedure.

The Head processes all other formal requests for access to records under the Act.

Clarifying Requests

The Head will seek to ensure that requests are as clear as possible and will contact the requester where appropriate to seek clarification.

Access Procedure

Refer to Process Map – [Appendix A](#)

1. Once the Head has clarified a request, a department letter, a copy of the request, and Records Retrieval Form is prepared and sent to the SA Liaison with a copy to the Managing Director.
2. Requests that require searches of the Microsoft Exchange system are forwarded directly to the Director of IT, Finance & Corporate Services. Results are provided directly to the Head. The Head will provide copies of responsive e-mails to the staff member for their review.
3. The SA Liaison may identify other Service Areas that may have responsive records.
4. SA Liaisons are required to notify the Head within three (3) days of receipt of the department letter if they anticipate a search for responsive records will take more than one (1) hour. If the search is anticipated to take an hour or less, SA Liaisons are advised to provide copies of records (either electronically or photocopies) by the deadline provided in the letter.

5. SA Liaisons must search for all recorded information that responds to an access request and provide copies of the records to the Head no later than the return date indicated in the letter. A search for responsive electronic records can be done through keyword search or reviewing responsive content folders. A search for paper records can be done by physically looking in cabinets or boxes.

If SA Liaisons require a time extension to complete a search they should contact the Head immediately to determine whether the Act permits a time extension. SA Liaisons are required to prepare documentation to justify search time estimates and requests for time extensions, if applicable. Please see the "Time Extensions" section below for detailed documentation requirements.

6. The Head requires that SA Liaisons return a completed Records Retrieval Form along with responsive records indicating the actual time spent searching for records, the location and methods used to search for records, and/or whether there are any concerns with the records in question. The Head also requires a completed Records Retrieval Form if no records are provided responsive to the request.

In the event of an appeal, the IPC may call on the staff that searched for the records to describe the steps they took to conduct the search. Referencing the Records Retrieval Form in such instances assists the Head during the appeal process.

7. The Head will, at the request of the SA Liaison or Managing Director, advise when the records pertaining to their business unit will be released. Where legislative timelines permit, the Head will, at the request of the SA Liaison or Managing Director, provide copies of the records to be released prior to their release.

Time Extensions

The Head determines extensions for a request based on input from the SA Liaison and/or the Service Area Managing Director.

The Act allows the Head to extend the processing time for a request when:

1. The request is for a large number of records or necessitates searching through a large number of records and meeting the time limit would unreasonably interfere with the operations of the City; or
2. Staff must consult with an external agent to comply with the request and they cannot reasonably complete the consultation within the time limit.

If either of the above factors apply, the SA Liaison should summarize in writing the reasons for an extension as follows:

a) For a request involving a large numbers of records by:

- explaining the steps that employees require to search for responsive records and estimating the total number of pages of records;
- identifying any exemptions that may be applicable to the records; and,
- providing a representative sample of records.

b) For a request that cannot be completed without consulting with an external agent person, by

providing:

- the name of the person or organization that the City will consult;
- the reason why consultation is necessary; and,
- an estimate about when the consultation will be complete.

Providing Records to the Head

The SA Liaison shall provide all of the responsive records to the Head (by the deadline) using the following guidelines:

- Records (electronic or paper) must be provided unaltered. The Head will not accept records that have been redacted or "blacked-out".
- Original paper records are to be copied. Copies must be legible.
- Electronic records should be provided via the City of London's Internal File Transfer Service or provided on an ITS approved USB stick. Please do not print electronic records.
- The SA Liaison should identify any areas of concerns in any of the responsive records and may, solely for the purpose of assisting the Head, identify any exemptions that the liaison believes may apply to the records noting that the final decision rests with the Head.
- A completed Records Retrieval Form must be submitted with the records by the deadline.

Offence

No employee shall alter, conceal or destroy a record or cause another person to do so with the intention of denying a right under the Act to access the record or the information contained in the record.

It is an offence under section 48(1)(c.1) of the Act to alter, conceal or destroy a record, or cause any other person to do so, with the intention of denying a right under the Act to access the record or the information contained in the record. Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine not exceeding \$5,000.00.

Reviewing and Disclosing Records

The Act requires that the Head must disclose as much of the requested record as can reasonably be severed, without disclosing the information that falls under one of the exemptions. Severing is the process of "blacking out" or "redacting" information that is considered confidential and exempt from disclosure.

Only the Head will sever records responsive to a formal access request under the Act. Severances are decisions on disclosure, and the Head is the only decision-maker at the City of London who has the authority to make decisions on disclosure under the Act.

To assist the Head in determining whether a record is exempt from access or outside the scope of the Act the Head will consider recommendations of the SA Liaison. Any such recommendations should be recorded on the Records Retrieval Form.

When the Head refuses access to a record or severs part of a record, the Act requires the Head to provide the requester with a decision letter that:

- explains the basis for the decision;
- describes clearly to the requester the records responding to the request specifically referring to the exemption(s) that the City has applied to justify a refusal to provide access;
- may include a detailed index of records that describes the contents and subject matter of the records;
- notifies the requester if the requested record does not exist; and,
- states that the requester may appeal the Head's decision to the IPC.

If a request is received for records that appear to be excluded from the Act, the Head will process the request in accordance with the procedure set out in this policy.

Fees

For all requests under MFIPPA, the requester must pay a \$5.00 application fee. The application fee is mandatory and the Head cannot waive it.

The Head applies different fees as prescribed by regulation, depending on whether the request is for *general records* or for the requester's own personal information.

The Head must charge fees unless the Head decides to waive the fees under the fee-waiver provisions of the Act.

The regulations under the Act contain a fee schedule that sets out the amount that the Head may charge for various costs that the City may incur when processing a request:

Type of Fee	Amount
Application Fee	\$5.00
Photocopies and computer printouts	\$0.20 cents per page
Disks	\$10.00 per disk
Manual search for records *	\$7.50 for each 15 minutes spent
Preparing a record for disclosure, including severing records *	\$7.50 for each 15 minutes spent
Computer programming	\$15.00 for each 15 minutes spent
Costs incurred in locating, retrieving, processing and copying the record	As specified in an invoice received by the City

* does not apply to a request from an individual for their own personal information.

6. COUNCILLORS' RECORDS

The Head will determine whether the Act applies to a councillor's records. In making this decision, the Head examines the specifics of each request in light of a number of [principles established by the IPC](#).

Councillors' records are subject to the Act where:

- (a) a councillor is acting as an officer or employee of the municipality, or performs a duty assigned by council, such that they might be considered part of the institution, or,
- (b) the records are in the custody or control of the municipality on the basis of established principles.

The access procedure for requests related to Councillors' records shall follow the standard procedure described within this policy.

1. Once the Head has clarified a request, a department letter, a copy of the request, and Records Retrieval Form is prepared and sent to the Executive Assistant (EA) to the Councillors' Office, or designate.
2. If the search requires electronic communications, the Councillor may request a search of their Microsoft Exchange account to be completed by the Information and Technology Services Department. Results will be provided directly to the Head. The Head will provide copies of responsive e-mails to the Councillor for their review.
3. Councillors (or the EA) are required to notify the Head within three (3) days of receipt of the department letter if they anticipate their search for responsive records will take more than one (1) hour. If the search is anticipated to take an hour or less, Councillors (or the EA) are advised to provide copies of records (either electronically or photocopies) by the deadline provided in the letter.
4. Councillors (or the EA) must retrieve and provide copies of the records to the Head no later than the due date indicated in the letter. If Councillors require a time extension to complete a search they should contact the Head immediately to determine whether the Act permits a time extension.
5. The Head requires that Councillors (or the EA) return a completed Records Retrieval Form along with responsive records which indicates the actual time spent searching for records, the location and methods used to search for records, whether there are any concerns with the records in questions, etc. The Head also requires a completed Records Retrieval Form if no records are provided responsive to the request.
6. The Head will, at the request of the Councillor, advise when the records pertaining to them will be released and/or provide copies of the records to be released prior to their release.

7. ACCESS TO RECORDS OF PERSONAL HEALTH INFORMATION

An individual may exercise a right of access to a record of personal health information by making a written request for access to the custodian that has custody or control of the information.

Organizations that are both *custodians* under PHIPA and *institutions* under the Act include municipally operated long-term care homes, for example, Dearness Home.

The Head will determine whether PHIPA or MFIPPA applies to a request it receives having regard to the legislation.

If the Head receives a request for personal health information in the custody or under the control of Dearness Home, the Head will immediately transfer that request to the Administrator of Dearness and advise the requester of the same.

If the Administrator of Dearness receives a request under the Act for information in the custody or under the control of the City of London, the Administrator will immediately transfer that request to the Head and advise the requester of the same.

8. APPEALS TO THE INFORMATION AND PRIVACY COMMISSIONER (IPC)

The Act establishes the right of a requester to appeal decisions that the Head makes about access to records. After a requester receives a notice of decision, the requester has 30 calendar days to appeal the decision to the IPC.

The Head, in consultation with the City Solicitor's Office, will respond to appeals as per the procedures and practice directions set out in the IPC's [Code of Procedure for appeals under the Freedom of Information Act and the Municipal Freedom of Information and Protection of Privacy Act](#), (hereafter "Code of Procedure").

The Head will notify the appropriate staff member (or Councillor) and the appropriate Managing Director, in the event that the Commissioner issues an order with respect to access to records. The Head will ensure compliance of the order.

The Head will notify the City Manager and the appropriate Managing Director should the IPC notify the head that the Commissioner will be entering and inspecting any premise occupied by The City of London for the purposes of an investigation. The Head will be in attendance during the IPC's inspection.

Offence

No employee shall wilfully obstruct the IPC in the performance of its functions, make a false statement to mislead the IPC or fail to comply with an order of the IPC.

Any person who wilfully obstructs the IPC in the performance of its functions, makes a false statement to mislead the IPC, or fails to comply with an order of the IPC, is guilty of an offence, and on conviction, is liable to a fine of up to \$5,000.00.

9. PERSONAL INFORMATION

Protection of Personal Privacy

The Act requires that the Head implement basic standards for protecting personal information in its possession. Refer to the [IPC'S Fact Sheet](#) to learn more about how *Personal Information* is defined in the Act.

Collection of Personal Information

The City, employees or consultants acting on the City's behalf, shall only collect personal information that they are authorized to collect. This authority can be one of the following:

- collection of the information is expressly authorized by provincial or federal legislation;
- the information is used for the purposes of law enforcement; or,
- the information is necessary to the proper administration of a lawfully authorized activity.

The City shall only collect personal information directly from the individual to whom it relates, except in circumstances set out in MFIPPA. Examples of these include:

- where the individual authorizes another method of collection;
- the personal information may be disclosed to the City under the authority of the Freedom of Information and Protection of Privacy Act ("FIPPA");
- where the IPC has authorized the City to collect the information indirectly from another person;
- the information is collected for the purpose of law enforcement; and,
- where other legislation provides for a different method of collection.

When collecting personal information, the City must provide the individual with a [notice of collection](#) statement that contains:

- the City's legal authority to collect the information;
- the principal purposes for which the information is intended to be used; and,
- the title, business address and telephone number of an officer or employee who can answer questions about the collection (why it is being collected, how it will be used).

Notice of collection statements are prepared by staff in consultation with the Head. Exceptions to this notice requirement are set out in O. Reg. 823.

Retention of Personal Information

Personal information that has been collected by the City must be retained for at least one year after it is used, unless another retention period has been provided in the City's Records Retention by-law, or the individual has consented to its earlier disposal. The purpose of this retention period is to ensure that individuals have a reasonable opportunity to obtain access to their personal information.

Use of Personal Information

The City is required to take reasonable steps to ensure that personal information is not used unless it is accurate and up to date. The City must create a record of any use of personal

information that is different from how the information is used on a regular basis.

The City is only permitted to use personal information:

- if the individual has consented to the particular information being used;
- for the purpose for which it was obtained or compiled;
- for a consistent purpose, (i.e. the individual might reasonably expect the use); or
- for the purpose for which the information was disclosed to the City under FIPPA.

Disclosure of Personal Information

The City is only permitted to disclose personal information in the following circumstances:

- in compliance with Part I of the Act;
- if the individual has consented to its disclosure;
- for the purpose for which it was obtained;
- for a consistent purpose, (i.e. the individual might reasonably expect the disclosure);
- disclosure is made to an employee who needs the record in the performance of duties;
- to comply with federal or provincial legislation;
- to a law enforcement agency in Canada to aid an investigation;
- in compelling circumstances affecting personal health or safety;
- in compassionate circumstances, (to contact next of kin or friend of an injured, ill or deceased person); and,
- to a provincial or federal government department for auditing of cost-shared programs.

Offence

Any person who wilfully discloses personal information, or maintains a personal information bank, in contravention of the Act, is guilty of an offence, and on conviction, is liable to a fine of up to \$5,000.00.

Privacy Investigations

Individuals may submit a complaint to the IPC if they believe that the City of London has improperly collected, used, disclosed, retained or disposed of their personal information.

The Head shall receive notice from the IPC in the event that an individual has lodged a complaint and an investigation is being undertaken.

The Head shall, in consultation with appropriate staff, represent the institution during a privacy complaint investigation.

The responsible employee will cooperate and assist the Head during the course of the investigation.

10. PROTOCOL FOR RESPONDING TO A PRIVACY BREACH UNDER THE ACT

Upon learning of a privacy breach or a potential privacy breach under MFIPPA, staff shall immediately notify their Manager and the Head.

The Head will assist the responsible employee in responding to the breach of personal privacy.

The following protocol shall be adopted during a breach or a potential breach of personal privacy, as per [IPC guidelines](#).

Containment: Identify the scope of the breach or potential breach and take steps to contain it:

- retrieve hard copies of any personal information that has been disclosed;
- ensure that no copies of the personal information have been made or retained by the individual who was not authorized to receive the information and obtain the individual's contact information in the event that follow-up is required; and,
- determine whether the privacy breach would allow unauthorized access to any other personal information (i.e. financial institutions).

Notification: Identify those individuals whose privacy was breached and, barring exceptional circumstances, in consultation with the Head, notify those individuals accordingly:

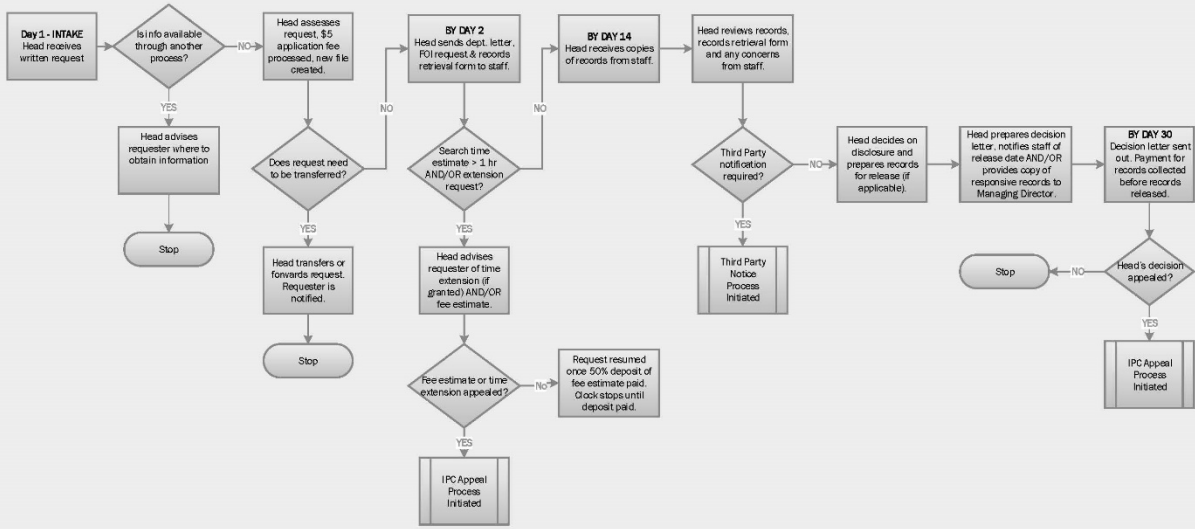
- notify the individuals whose privacy was breached, by telephone or in writing;
- provide details of the extent of the breach and the specifics of the personal information at issue;
- if financial information or information from government-issued documents are involved, include precautionary measures in the notice, (i.e. change passwords, contact Equifax or banking institution, etc.);
- advise of the steps that have been taken to address the breach, both immediate and long term;
- provide contact information for someone who can provide additional information, assistance and answer questions; and,
- advise if the IPC has been contacted to ensure that all obligations under the Act are fulfilled and, provide information about how to submit a complaint to the IPC.

The employee involved in the breach shall document the incident in detail in writing, including how each step in the above process was executed.

11. APPENDICES

Appendix A – MFIPPA Process Map

Appendix B – Records Retrieval Form



Next	Prepared by	Date
MFIPPA REQUEST PROCESS	Approved by	Date

Appendix B – RECORDS RETRIEVAL FORM

MFIPPA RECORDS RETRIEVAL FORM

To be completed and returned to the Manager of Records and Information Services

1. Indicate the places that were searched (e.g., what files in which offices or file rooms, which shared drives or software applications):	
2. Indicate methods/processes used to conduct the search and types of files searched (e.g., searching electronic files, paper files, file lists, off-site file lists, microfiche etc.):	
3. Length of time required to do the search:	
4. Responsive records located? (Indicate if responsive records no longer exist but did exist at one time (i.e., provide the number of the Records Retention Schedule which authorized the destruction of those records):	Yes No
5. Are there any concerns with these records or this request? (If yes, please explain):	Yes No
6. Would you like to be provided with a copy of the responsive records?	Yes No
7. Would you like to be advised when responsive records are released?	Yes No

Name:	
Date(s) of search:	

Bill No. 549
2018

By-law No. L.S.P.- _____ - ____

A by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest.

WHEREAS pursuant to the *Ontario Heritage Act, R.S.O. 1990, c. 0.18*, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of cultural heritage value or interest;

AND WHEREAS notice of intention to so designate the property known as 660 Sunningdale Road East has been duly published and served;

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

1. The real property at 660 Sunningdale Road East, more particularly described in Schedule "A" attached hereto, is designated as being of cultural heritage value or interest for the reasons set out in Schedule "B" attached hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Trust and to cause notice of this by-law to be published once in a newspaper of general circulation in The City of London, to the satisfaction of the City Clerk, and to enter the description of the aforesaid property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

SCHEDULE "A"

To By-law No. L.S.P.-_____ - ____

Legal Description

"Part of Lot 13, Concession 6 (Township of London), City of London, County of Middlesex Designated as Part 1 on 33R-20149".

SCHEDULE "B"

To By-law No. L.S.P.- _____ - _____

Description of Property

660 Sunningdale Road East is located on the north side of Sunningdale Road East, just west of Adelaide Street North in London, Ontario. Two barns are located near the southwest corner, on the high ground of the property. These form a rural complex formerly part of a larger landscape to their south, comprising a third [largest] red clay tile barn, a wooden barn, and a house.

The medium sized barn located at 660 Sunningdale Road East has a gable roof with projecting purlins and three ventilators at its ridge. The end gable is clad in corrugated steel; the same material clads the roof. The building configuration is single storey in height and nine bays in length with each bay defined by a protruding concrete pier and filled by the red clay tile. Paired multi-pane windows, with a five-over-five fenestration pattern, separated by a mullion are located in the upper part of each bay as well as flanking the end doorways. Large doorways are located on the north and south façades, with a sliding barn-style door on the south façade.

The smallest of the red clay tile barns located at 660 Sunningdale Road East has a gable roof with projecting purlins, but only two ventilators at its ridge. The end gables of this barn are also clad in corrugated steel, as is its roof. The building configuration is single storey in height and five bays in length with each bay defined by a protruding concrete pier and filled by the red clay tile. Individual multi-pane windows, with a five-over-five fenestration pattern, are located in each bay: five on the west façade, four windows and one door on the east façade. Three windows evenly spaced across the north façade, and a large doorway on the south façade with a smaller doorway and window to one side and a pair of windows to the other.

Statement of Cultural Heritage Value or Interest

The two red clay tile barns located at 660 Sunningdale Road East are of cultural heritage value or interest because of their physical or design values and contextual values. The significance of the barns located at 660 Sunningdale Road East comes from their use of the red clay tile material, the intersection of a material more typically found in industrial structures but applied here in an agricultural form, and their existing location. These materials and forms are authentically displayed in their built form which has significance particularly the rarity of its materials used in this form.

Physical/Design Values

The use of materials and construction method is rare for barns. The red clay tiles, used as the primary cladding material for the barns, is rare and not found elsewhere in the City of London. The use of protruding concrete piers in the construction of the barns is also rare, where barns more typically have concrete or stone foundations, rather than concrete piers, with a timber frame. The application of these materials is more commonly found in industrial applications, such as factory buildings, which makes the barns rare examples of this expression not seen elsewhere in London.

The barns display a degree of craftsmanship in the material qualities of the clay tile. While the variety in grooving, cutting, and colour of the tiles could suggest little regard for the appearance of the building, or the use of seconds, this contributes to the rustic qualities of the barns and were well suited to their original rural context.

The barns represent technical achievement in their combination of industrial materials in an agricultural form that is not seen elsewhere in London.

Contextual Values

The location and arrangement of the barns on the property, and the relationship between the barns contributes to the property's physical, functional, visual, and historical links to its surroundings.

Heritage Attributes

Heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- The application of typically industrial materials in an agricultural form;
- Existing location of the two barns on the property;
- Physical relationship between the two barns; and,
- Materials, construction, and form of the two barns including: red clay tiles, protruding concrete piers, roof trusses with projecting purlins of the roof structures, multi-pane windows with a five-over-five fenestration pattern, and metal gable roof with ventilators.

Bill No. 550
2018

By-law No. L.S.P.- _____ - ____

A by-law to designate 2096 Wonderland Road North to be of cultural heritage value or interest.

WHEREAS pursuant to the *Ontario Heritage Act, R.S.O. 1990, c. 0.18*, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of cultural heritage value or interest;

AND WHEREAS notice of intention to so designate the property known as 2096 Wonderland Road North has been duly published and served and no notice of objection to such designation has been received;

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

1. The real property at 2096 Wonderland Road North is designated as being of cultural heritage value or interest for the reasons set out and more particularly described in Schedule "A" attached hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Trust and to cause notice of this by-law to be published once in a newspaper of general circulation in The City of London, to the satisfaction of the City Clerk, and to enter the description of the aforesaid property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

SCHEDULE "A"

To By-law No. L.S.P.-____-____

Legal Description

Lot 17, RCP 1028, London

Statement for Designation

Description of Property

The property at 2096 Wonderland Road North is located on the east side of Wonderland Road North between Fanshawe Park Road East and Sunningdale Road East. A two-storey brick building is located near the northeast corner of the property.

Statement of Cultural Heritage Value or Interest

The residence at 2096 Wonderland Road North has local significance for design/physical value, historical/associative value, and contextual value.

The residence at 2096 Wonderland Road North has physical or design value as a rare and representative example of a mid-19th century Georgian farmhouse. The residence is a two storey structure with a low-pitched hip roof and bookend chimneys. It has a buff brick exterior with a common bond, brick voussoirs, and a stone foundation. The Georgian style of architecture is reflected in the symmetrical façade and minimal use of ornamenting and detail.

The residence at 2096 Wonderland Road North has historical and associative value because of its link with the Warner family. William Warner was the original patent holder on the property, receiving it in 1819. His son, Wesley Warner, inherited the farmstead and was a noted member of London Township for his involvement in the temperance society.

The residence at 2096 Wonderland Road North has contextual value because it is physically and historically linked to its surroundings. It remains located in its original spot on the property and historically reflects the prominent role agriculture played in London Township.

Heritage Attributes

The heritage attributes which support or contribute to the cultural heritage value or interest of the property at 2096 Wonderland Road North include:

- Georgian two storey farmhouse
- Square shaped plan
- Low pitched hip roof with bookend chimneys
- Buff brick construction
- Field stone foundation
- Brick voussoirs above windows

The addition at the rear of the brick building is not considered to be a heritage attribute.

Bill No. 551
2018

By-law No. PS-5-18_____

A By-law to amend By-law PS-5 entitled “A by-law to provide for the owners of privately-owned outdoor swimming pools to erect and maintain fences.”

WHEREAS pursuant to paragraph 30 of section 210 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, a by-law may be passed to issue permits for swimming pool fences and to prescribe safety standards for privately owned outdoor swimming pools;

WHEREAS section 220.1 of the Municipal Act, R.S.O. 1990, c. M.45, as amended by section 10 of Schedule M of the Savings and Restructuring Act, 1996 provides that the Council may by by-law impose fees for services and activities provided or done by or on behalf of The Corporation of the City of London;

AND WHEREAS it is expedient to impose fees for certain services provided by Development and Compliance Services;

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

1. Schedule “A” is hereby deleted in its entirety and replaced therefore with the attached.
2. This by-law shall come into force on the day it is passed.

PASSED in Open Council on September 18, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading – September 18, 2018
Second reading – September 18, 2018
Third reading – September 18, 2018

SCHEDULE 'A'
PERMIT FEES

1. New swimming pool fence permit fee is \$12.50 per \$1,000.00 of total swimming pool and fence construction value with a minimum fee of \$200.00.
2. Replacement swimming pool fence permit fee is \$12.50 per \$1,000.00 of fence construction value with a minimum fee of \$200.00.

Bill No. 552
2018

By-law No. PS-113-18_____

A by-law to amend By-law PS-113 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London."

WHEREAS subsection 10(2) paragraph 7. Of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws to provide any service or thing that the municipality considers necessary or desirable to the public;

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001*, as amended, 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. **Designation of Parking Spaces**

By-law PS-113 is hereby amended by **deleting** the following:

76. (1) Where in a public parking lot or facility one or more parking spaces are intended for the sole use of a vehicle of a disabled person, the owner or operator of the public parking lot or facility shall identify each such parking space by erecting an official sign in such a manner that the official sign shall be clearly visible to the operator of any vehicle approaching or entering such parking space. The official sign shall be erected on a post secured in the ground or on a wall. The official sign shall be at the front of the parking space in the middle so that the bottom of the sign is between 1.2 m and 1.8 m above the parking lot surface.

By-law PS-113 is hereby amended by **adding** the following:

76. (1) Where in a public parking lot or facility one or more parking spaces are intended for the sole use of a vehicle of a disabled person, the owner or operator of the public parking lot or facility shall identify each such parking space by erecting an official sign in such a manner that the official sign shall be clearly visible to the operator of any vehicle approaching or entering such parking space. The official sign shall be erected on a post secured in the ground or on a wall. The official sign shall be at the front of the parking space in the middle so that the sign is between 1.5 m and 2.0 m when measuring from the grade to the centre of the sign.

2. **No Stopping**

Schedule 1 (No Stopping) of the By-law PS-113 is hereby amended by **deleting** the following row:

Sherwood Forest Square	North, West and South	A point 165 m west of Wonderland Road N	A point 235 m west of said street	7:00 am to 6:00 pm Monday to Friday
------------------------	-----------------------	---	-----------------------------------	-------------------------------------

Schedule 1 (No Stopping) of the By-law PS-113 is hereby amended by **adding** the following rows:

Sherwood Forest Square	Both	A point 170 m west of Wonderland Road N	A point 130 m west of Wonderland Road N	Anytime
Sherwood Forest Square (north and south leg)	Both	A point 170 m west of Wonderland Road N	A point 260 m west of Wonderland Road N	7:30 a.m. to 8:30 a.m. and 2:00 p.m. to 3:00 p.m. Monday to Friday September 1 st to June 30 th
Shore Road	South	A point 205 m west of Riverbend Road	Riverbend Road	Anytime

3. **No Parking**

Schedule 2 (No Parking) of the By-law PS-113 is hereby amended by **deleting** the following rows:

Base Line Road E	South	A point 71 m west of Wellington Road	Westminster Avenue	Anytime
Evans Boulevard	South	Jackson Road	Green Gables Road	Anytime
Sherwood Forest Square that portion of a lane extending from Sherwood Forest Square (north leg) to Sherwood Forest Square (south leg)	Both	Sherwood Forest Square (north leg)	Sherwood Forest Square (south leg)	Anytime
Sherwood Forest Square (west leg)	East	Sherwood Forest Square (north leg)	Sherwood Forest Square (south leg)	Anytime
Tallwood	Both	A point 115 m north of Windermere Road	Windermere Road	8:00 am to 6:00 pm
Wortley Road	East	Bruce Street	A point 37 m south of Bruce Street	Anytime

Schedule 2 (No Parking) of the By-law PS-113 is hereby amended by **adding** the following rows:

Banbury Road	South	A point 75 m west of Deveron Crescent	Deveron Crescent	Anytime
Base Line Road E	South	A point 250 m west of Wellington Road	Westminster Avenue	Anytime
Brock Lane	North	Brock Street	East limit of Brock Lane	Anytime
Elworthy Ave (East Leg)	West and South	Base Line Road E	A point 125 m north of Base Line Road E	Anytime
Evans Boulevard (south leg)	North	A point 42 m west of Green Gable Road	Green Gable Road	Anytime
Evans Boulevard (south leg)	South, West and North	Jackson Road	A point 80 m west of Green Gable Road	Anytime
Kerrigan Court	South	A point 55 m west of Farnham Road	Farnham Road	Anytime
North Wenige Drive	North	A point 75 m north of Sunningdale Road E	Ballymote Avenue	Anytime
Sherwood Forest Square	Both	Sherwood Forest Square (south leg, east intersection)	Wonderland Road N	Anytime
Sherwood Forest Square (north leg)	Both	Sherwood Forest Square (south leg, west intersection)	Sherwood Forest Square (south leg, east intersection)	Anytime
Sherwood Forest (south leg)	Both	Sherwood Forest Square (north leg, west intersection)	Sherwood Forest Square (north leg, east intersection)	Anytime
Sherwood Forest Square, the area that constitutes the traffic island	Both	A point 117 m west of Wonderland Road N	A point 95 m west of Wonderland Rd N	Anytime

Sherwood Forest Square, the area that constitutes the traffic island	Both	A point 41 m west of Wonderland Road N	A point 9 m west of Wonderland Rd N	Anytime
Tallwood Circle	Both	A point 115 m north of Windermere Road	Windermere Road	8:00 am to 6:00 pm
Wortley Road	East	A point 27 m South of Bruce Street	A point 37 m south of Bruce Street	Anytime April 15 to October 15

4. **Bus Stops**

Schedule 3 (Bus Stops) of the PS-113 By-law is hereby amended by **adding** the following row:

Banbury Road	South	A point 30 m west of Deveron Crescent	A point 50 m west of Deveron Crescent	
--------------	-------	---------------------------------------	---------------------------------------	--

5. **Limited Parking**

Schedule 6 (Limited Parking) of the By-law PS-113 is hereby amended by **deleting** the following rows:

Tallwood	Both	the north end of the streets to a point 115 m north of Windermere Road	8:00 a.m. to 4:00 p.m.	2 Hours Except Saturdays
Wortley Road	East	A point 37 m south of Bruce Street to Elmwood Avenue E	8:00 a.m. to 6:00 p.m.	1 Hour

Schedule 6 (Limited Parking) of the By-law PS-113 is hereby amended by **adding** the following rows:

Ann Street	South	A point 205 m west of Talbot Street to a point 185 m west of Talbot Street	8:00 am to 6:00 pm	2 Hours
Tallwood Circle	Both	A point 115 m north of Windermere Road to a point 383 m north of Windermere Road	8:00 a.m. to 4:00 p.m.	2 Hours Except Saturdays

Wortley Road	East	A point 20 m south of Bruce Street to Elmwood Avenue E	8:00 am to 6:00 pm	1 Hour
--------------	------	--	--------------------	--------

6. **Prohibited Turns**

Schedule 8 (Prohibited Turns) of the PS-113 By-law is hereby amended by **adding** the following rows:

Cudmore Crescent with Darnley Boulevard	Northbound	Left
Darnley Boulevard with Cudmore Crescent	Westbound	“U” Turn

7. **Stop Signs**

Schedule 10 (Stop Signs) of the PS-113 By-law is hereby amended by **adding** the following rows:

Eastbound	Brentwood Crescent	Middlewoods Drive
Westbound	Ranson Drive	Middlewoods Drive
Northbound	Sherwood Forest Square (south leg)	Sherwood Forest Square (north leg, east intersection)
Eastbound	Ski Valley Crescent	Ski View Road
Westbound	Ski View Road	Ski Valley Crescent

8. **Yield Signs**

Schedule 11 (Yield Signs) of the PS-113 By-law is hereby amended by **deleting** the following rows:

Southbound	La Stradella	Scottsdale Street
Westbound	La Stradella	Monterey Crescent
Eastbound	Ski Valley Crescent	Ski View Road
Westbound	Ski View Road	Ski Valley Crescent
Eastbound	Tallwood	Tallwood
Northbound	The Birches	Agincourt Gardens

Schedule 11 (Yield Signs) of the PS-113 By-law is hereby amended by **adding** the following rows:

Northbound	La Stradella Gate	Monterey Crescent
Southbound	La Stradella Gate	Scottsdale Street
Northbound	Sherwood Forest Square (south leg)	Sherwood Forest Square (north leg)
Eastbound	Tallwood Circle (south leg)	Tallwood Circle (east leg)

Northbound

The Birches Place

Agincourt Gardens

9. **One-Way Streets**

Schedule 12 (One-way) of the PS-113 By-law is hereby amended by **adding** the following row:

Sherwood Forest Square (south leg)	Sherwood Forest Square (north leg, west intersection)	Sherwood Forest Square (north leg, east intersection)	Northbound and Eastbound and Southbound
------------------------------------	---	---	---

10. **Pedestrian Crossovers**

Schedule 13.1 (Pedestrian Crossovers) of the PS-113 By-law is hereby amended by **adding** the following rows:

Sherwood Forest Square	155 m west of Wonderland Rd N
------------------------	-------------------------------

11. **School Bus Loading Zones**

Schedule 16 (School Bus Loading Zones) of the PS-113 By-law is hereby amended by **deleting** the following row:

Sherwood Forest Square	North, West & South	A point 165 m west of Wonderland Road N	A point 235 m west of the said street
------------------------	---------------------	---	---------------------------------------

Schedule 16 (School Bus Loading Zones) of the PS-113 By-law is hereby amended by **adding** the following rows:

Sherwood Forest Square (north leg)	Both	Sherwood Forest Square (south leg, west intersection)	Sherwood Forest Square (south leg, east intersection)
Sherwood Forest Square (south leg)	Both	Sherwood Forest Square (north leg, west intersection)	Sherwood Forest Square (north leg, east intersection)

12. **Higher Speed Limits**

Schedule 17 (Higher Speed Limits) of the PS-113 By-law is hereby amended by **adding** the following row:

Bradley Avenue W	West limit	Wharncliffe Road S	60 km/h
------------------	------------	--------------------	---------

13. **Designated Parking Spaces - Disabled Persons**

Schedule 27 (Designated Parking Spaces – Disabled Persons) of the PS-113 By-law is hereby amended by **adding** the following rows:

Ann Street	South	From a point 185 m west of Talbot Street to a point 180 m west of Talbot Street	2 Hours
Wortley Road	East	From a point 37m south of Bruce Street	1 Hour

to a point 46 m south
of Bruce Street

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

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

Bill No. 553
2018

By-law No. S.-____-____

A by-law to assume certain works and services
in the City of London. (Tennent Subdivision -
33M-668)

WHEREAS the Managing Director, Environmental & Engineering Services
and City Engineer of The Corporation of the City of London has reported that works and
services have been constructed to his satisfaction in Tennent Subdivision, Plan 33M-
668;

AND WHEREAS it is deemed expedient to assume the said works and
services;

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

1. The Corporation of the City of London assumes the following works and
services, namely:

Tennent Subdivision - Phase 3
Wastell Developments Inc.
c/o Julian Novick

Horseshoe Crescent – All;
Block 45 - Being a Walkway

2. The warranty period for the works and services in the subdivision referred
to in Section 1 of this by-law is for a period June 27, 2018 to June 27, 2019.

3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

Bill No. 554
2018

By-law No. S.-____-____

A by-law to assume certain works and services
in the City of London. (Claybar Subdivision -
Phase 1, Stage 1)

WHEREAS the Managing Director, Environmental & Engineering Services
and City Engineer of The Corporation of the City of London has reported that works and
services have been constructed to his satisfaction in Claybar Subdivision - Phase 1,
Stage 1;

AND WHEREAS it is deemed expedient to assume the said works and
services;

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

1. The Corporation of the City of London assumes the following works and
services, namely:

Claybar Subdivision - Phase 1, Stage 1; 33M-623
Claybar Developments Inc.
c/o Auburn Developments Inc.

Tokala Trail – From West Limit of Plan (Dalmagarry Road) to Couldridge Way

2. The warranty period for the works and services in the subdivision referred
to in Section 1 of this by-law is for a period September 19, 2018 to September 18, 2019.
3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

Bill No. 555
2018

By-law No. S.-____-____

A by-law to assume certain works and services
in the City of London. (Claybar Subdivision -
Phase 2)

WHEREAS the Managing Director, Environmental & Engineering Services
and City Engineer of The Corporation of the City of London has reported that works and
services have been constructed to his satisfaction in Claybar Subdivision - Phase 2;

AND WHEREAS it is deemed expedient to assume the said works and
services;

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

1. The Corporation of the City of London assumes the following works and
services, namely:

Claybar Subdivision - Phase 2; 33M-655
Claybar Developments Inc.
c/o Auburn Developments Inc.

Couldridge Way - All;
Foxbend - All;
Wateroak Drive - All

2. The warranty period for the works and services in the subdivision referred
to in Section 1 of this by-law is for a period September 19, 2018 to September 18, 2019.

3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

Bill No. 556
2018

By-law No. S.-____-____

A by-law to assume certain works and services
in the City of London. (Claybar Subdivision -
Phase 3, Stage 1)

WHEREAS the Managing Director, Environmental & Engineering Services
and City Engineer of The Corporation of the City of London has reported that works and
services have been constructed to his satisfaction in Claybar Subdivision - Phase 3,
Stage 1;

AND WHEREAS it is deemed expedient to assume the said works and
services;

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

1. The Corporation of the City of London assumes the following works and
services, namely:

Claybar Subdivision - Phase 3, Stage 1; 33M-676
Claybar Developments Inc.
c/o Auburn Developments Inc.

Foxridge Crescent - All;
Wairoak Drive - from Sedgefield Row to East limit of Plan;
Block 207 - Walkway (includes storm and sanitary sewers);
Block 206 - Parkland (includes sanitary sewer)

2. The warranty period for the works and services in the subdivision referred
to in Section 1 of this by-law is for a period September 19, 2018 to September 18, 2019.

3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

Bill No. 557
2018

By-law No. S.-_____-____

A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Kleinburg Drive).

WHEREAS it is expedient to establish the lands hereinafter described as public highway;

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

1. The lands and premises hereinafter described are laid out, constituted, established and assumed as public highway as part of Kleinburg Drive, namely:

“All of Block 98 on Registered Plan 33M-643 in the City of London and County of Middlesex.”

2. This by-law comes into force and effect on the day it is passed.

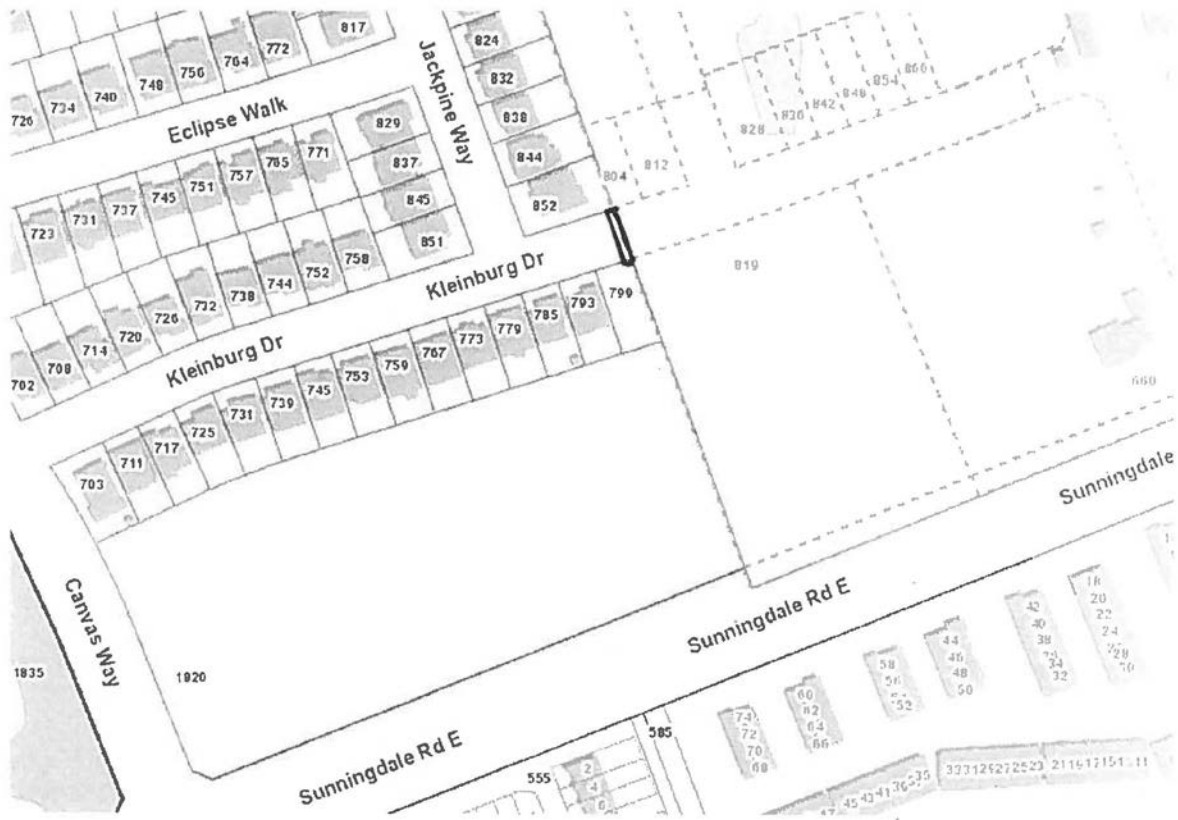
PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

LOCATION MAP



 SUBJECT LANDS

Bill No. 558
2018

By-law No. S.-_____ - ____

A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Whetter Avenue, west of Thompson Road)

WHEREAS it is expedient to establish the lands hereinafter described as public highway;

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

1. The lands and premises hereinafter described are laid out, constituted, established and assumed as public highway as widening to Whetter Avenue, west of Thompson Road, namely:

“Part of Lot 23 in Broken Front Concession “B”, in the geographic Township of Westminster, now in the City of London, designated as Part 1 on Reference Plan 33R-19769.”

2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

LOCATION MAP



 SUBJECT LANDS

Bill No. 560
2018

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1835 Shore Road.

WHEREAS Sifton Properties Limited have applied to remove the holding provisions from the zoning for the lands located at 1835 Shore Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said lands;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1835 Shore Road, as shown on the attached map, to remove the h and h-206 holding provisions so that the zoning of the lands as a Residential R5/R6 Special Provision (R5-6(10)/R6-5(42)) Zone comes into effect.
2. This By-law shall come into force and effect on the date it is passed.

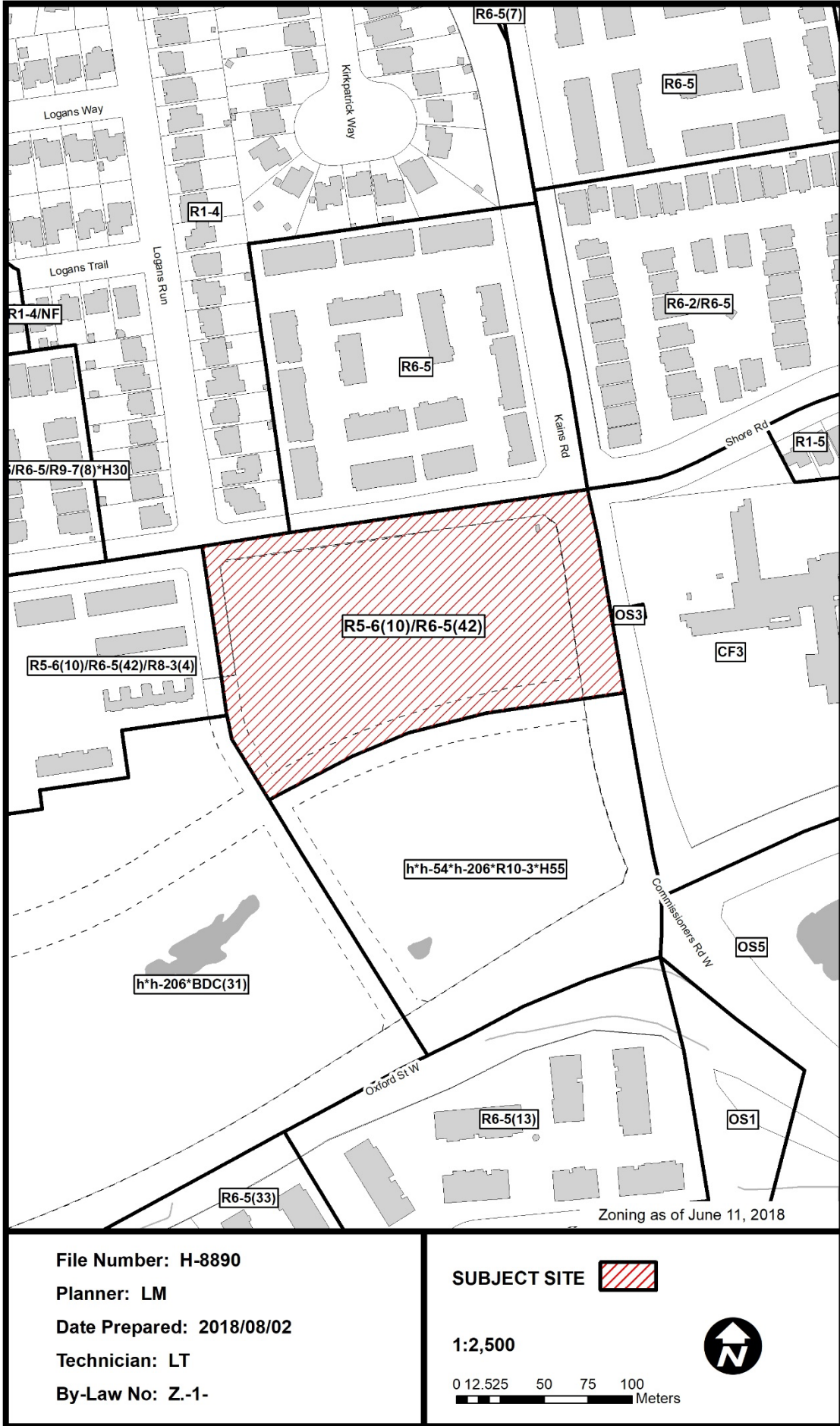
PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor


Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

SCHEDULE "A"



File Number: H-8890
 Planner: LM
 Date Prepared: 2018/08/02
 Technician: LT
 By-Law No: Z-1-

SUBJECT SITE 
 1:2,500
 0 12.525 50 75 100 Meters



Geodatabase

Bill No. 561
2018

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1196 Sunningdale Road West.

WHEREAS Landea Developments Inc. has applied to rezone an area of land located at 1196 Sunningdale Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1196 Sunningdale Road West., as shown on the attached map from a Holding Residential R1 (h-h-100*R1-4) Zone and a Holding Residential R1 (h-h-100*R1-13) Zone to a Holding Residential R1 Special Provision (h-h-100*R1-4(*)) Zone, Holding Residential R1 Special Provision (h-h-100*R1-4(**)) Zone, Holding Residential R1 Special Provision (h-h-100*R1-4(***)) Zone and a Holding Residential R1 Special Provision (h-h-100*R1-13(_)) Zone.

2) Section Number 5.4 of the Residential R1-4 and R1-13 Zone is amended by adding the following Special Provisions:

R1-4(*)

a) Regulations:

i) Lot Coverage (Maximum): 45%

R1-4(**)

a) Regulations:

i) Lot Coverage (Maximum): 45%

ii) Height (Maximum): 10.5 m

R1-4(***)

a) Regulations:

i) Height (Maximum): 10.5 m

R1-13(_)

a) Regulations:

i) Height (Maximum): 10.5 m

3) This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

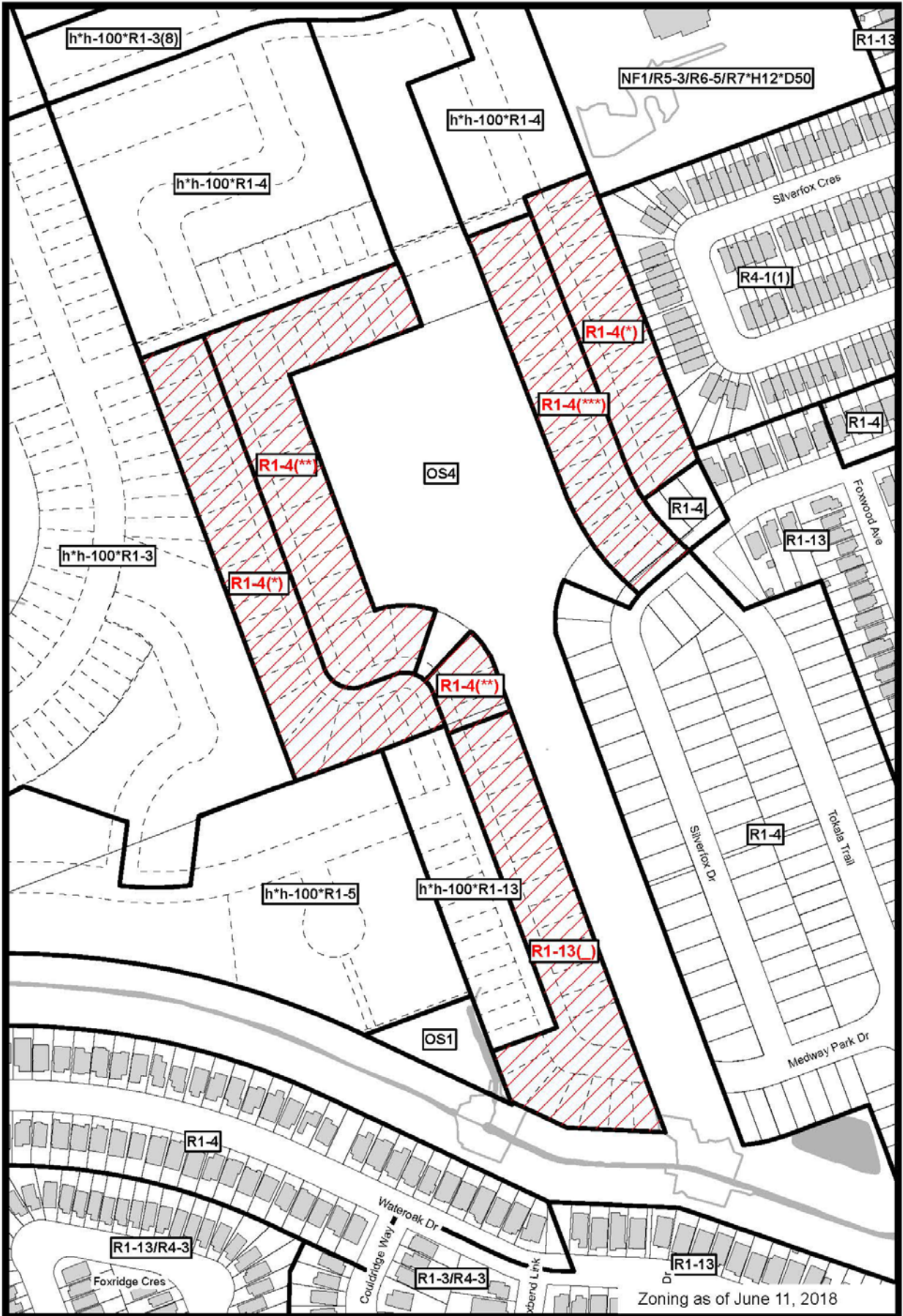
PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

SCHEDULE "A"



File Number: Z-8916

Planner: CS

Date Prepared: 2018/07/09

Technician: rc

By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters



Bill No. 562
2018

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to rezone properties located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle.

WHEREAS 2219008 Ontario Limited has applied to rezone properties located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle as shown on the map attached as Schedule "A" to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1. Schedule "A" to By-law No. Z.-1 as amended, is amended by changing the zoning applicable to lands located at 3493 Colonel Talbot Road, 3418 to 3538 Silverleaf Chase, 3428 to 3556 Grand Oak Cross, 7392 to 7578 Silver Creek Crescent and 7325 to 7375 Silver Creek Circle as shown on the map attached as Schedule "A" to this by-law **FROM** a Residential R1 Special Provision (R1-8(5)) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-8(5)) **TO** a Holding Residential R1 Special Provision (R1-8(5)) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-8(5)) Zone.

2. Section Number 5.4 of By-law No. Z.-1, as amended being the Residential R1-8 Zone is amended by adding the following regulations to the Special Provision R1-8(5) Zone:

R1-8(5)

a) Regulations:

- | | | |
|------|---|-------|
| i) | Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage | |
| ii) | Lot Coverage (%)
(Maximum): | 40% |
| iii) | Landscaped Open Space (%)
(Minimum): | 35% |
| iv) | Rear Yard Depth
(Minimum): | 7.0 m |
| v) | Front Yard
Depth for Main Dwelling
To Local Street or
Secondary Collector
(Minimum): | 4.5 m |
| vi) | Exterior Yard
Depth for Main Dwelling
To Local Street or
Secondary Collector
(Minimum): | 4.5 m |

vii)	Interior Side Yard Depth for Main Dwelling (Minimum):	1.2 m; except that where no private garage is attached to the dwelling, one yard shall be 3.0 m.
------	---	--

3. This by-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

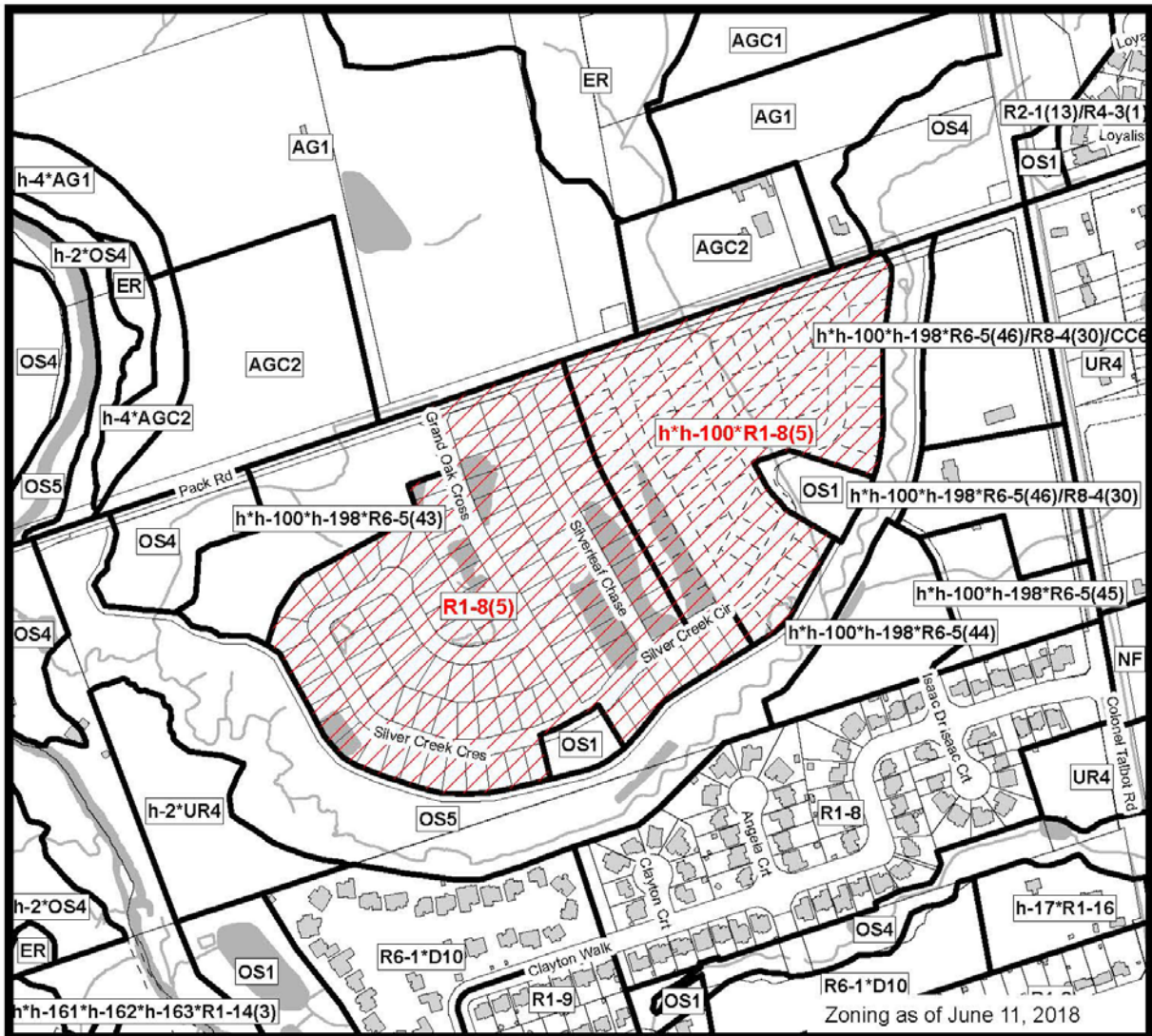
PASSED in Open Council on September 18, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

SCHEDULE "A"



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "h" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



FILE NO:
Z-8922 MS

MAP PREPARED:
2018/08/09 RC

1:6,000
0 30 60 120 180 240 Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

Bill No. 563
2018

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 459 Hale Street.

WHEREAS Artisan Homes Inc. has applied to rezone an area of land located at 459 Hale Street, as shown on the map attached to this by-law, as set out below;
AND WHEREAS this rezoning conforms to the Official Plan;

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 459 Hale Street, as shown on the attached map, from a Residential R1 (R1-5) Zone to a Residential R6 Special Provision (R6-2(_)) Zone.

2) Section Number 10.4 of the Residential R6 Zone is amended by adding the following Special Provision:

R6-2(_)

a) Regulations

- | | | |
|-----|----------------------------|----------------------|
| i) | Lot Frontage
(Minimum): | 8.0 metres |
| ii) | Density
(Maximum) | 22 units per hectare |

3) This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

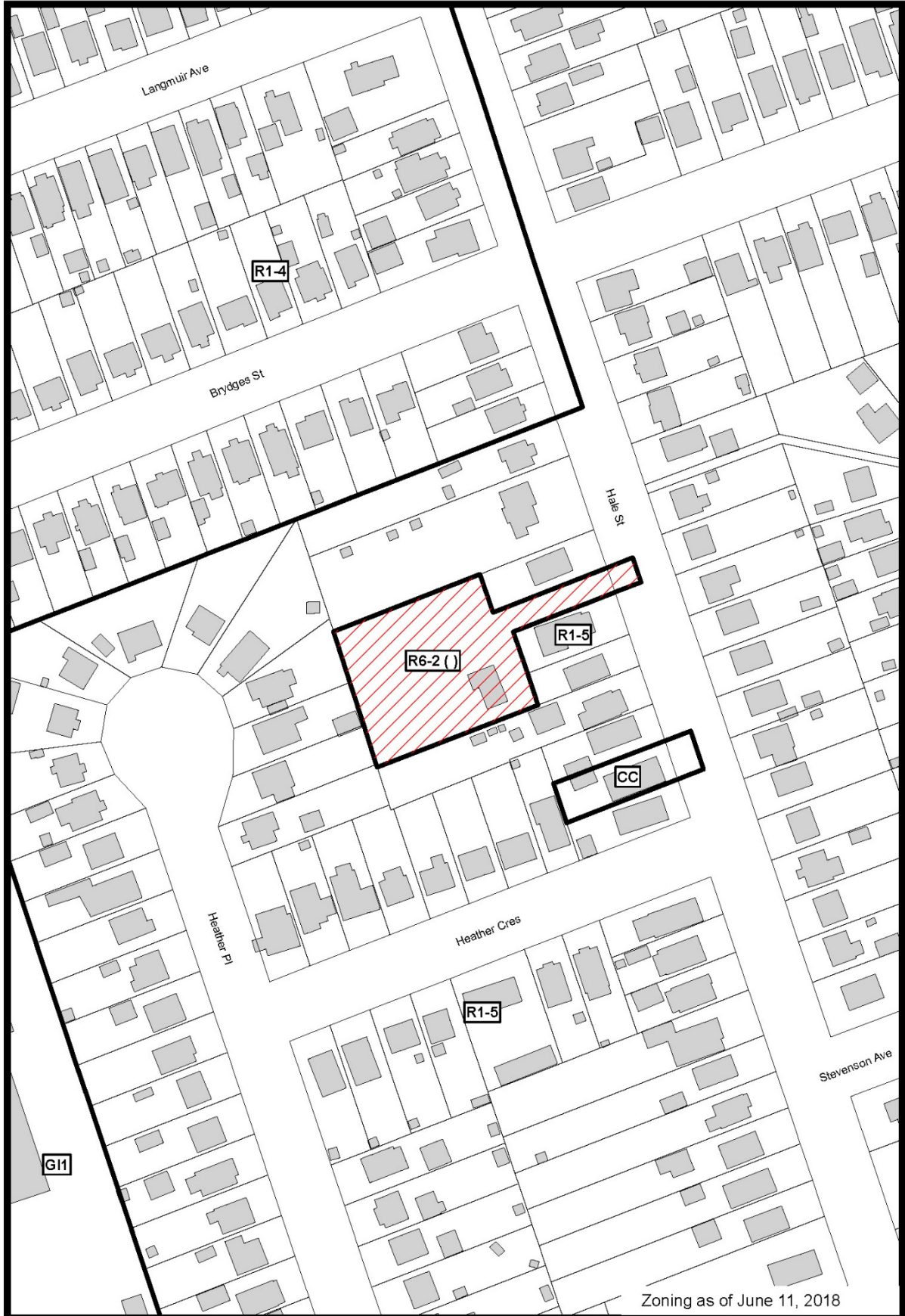
PASSED in Open Council on September 18, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

SCHEDULE "A"



File Number: 39CD-18503/Z-8886

Planner: LM


Date Prepared: 2018/08/14

Technician: RC

By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40
 Meters

