

Agenda Including Addeds Civic Works Committee

The Special 4th Meeting of the Civic Works Committee

March 15, 2021, 12:00 PM

2021 Meeting - Virtual Meeting during the COVID-19 Emergency

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Members

Councillors E. Pelosa (Chair), J. Helmer, M. Cassidy, P. Van Meerbergen, S. Turner,
Mayor E. Holder

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Pages

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2. Consent

3. Scheduled Items

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A BETTER WAY

This *Community Report* is a response to a city staff report to the Civic Works Committee (CWC) for their meeting of March 15, 2021, titled “*New Sidewalks in 2021 Infrastructure Reconstruction Projects*” (designated The Report). It was submitted to the CWC for its meeting on February 9, 2021. Our Community Report is a follow up to the emails, letters and subsequent requests for delegation status.

This report has been prepared by several delegate groups on behalf of the residents from Friars Way, Doncaster Place and Abbey Rise and accompanies the petition with **310 signatures**. This petition has been signed by almost all of the residents of these three streets, along with residents on 9 neighbouring Sherwood Forest streets that have expressed their opposition to removal of these 50 year old trees on the streets mentioned in Sherwood Forest. In addition the youth in the neighbourhood wanted to express their voice in supporting our position. They started an online petition with change.org and have collected **176 signatures** to date.

We strongly believe that there is “A Better Way” to meet the many needs and desires of our community than to cut down mature trees and install sidewalks as part of the road reconstruction program.

We are aware that some may say that we are reacting as a *not in my backyard* issue; however, we think this is a bigger London issue that affects many who live on streets with mature trees that are designated as *neighbourhood streets* (which includes cul de sacs) that currently do not have sidewalks.

SUMMARY:

We are asking that Council approve a motion to exempt Friars Way, Doncaster Place and Abbey Rise and the connecting links of Doncaster Avenue from Friars Way to Doncaster Place, and Scarlett Avenue from Abbey Rise to Wychwood Park from the having sidewalks constructed on our streets when they are reconstructed because:

- of the importance and value of mature trees from both an environmental and societal perspective
- we believe that our streets are safe in the context of the Vision Zero objectives; and
- if required, there are valid alternatives to sidewalks to enhance safety and accessibility issues. Examples abound in other jurisdictions concerning “Living Streets” without sidewalks, such as a Woonerf in the Netherlands, with shared space, traffic calming and low speed limits.
- the approach employed for designing and installing sidewalks in Sherwood Forest is not supported by overarching policy or planning procedures. This proposal needs to be re-evaluated in the broader context of city policies to find solutions that apply best practices and are in line with the short and long term objectives of the city.
- Orchard Park and Sherwood Forest, as with other neighbourhoods, were planned to take full advantage of the land contours and to include safe driving conditions. The trees contribute to the character and environmental value of the neighbourhood.

Furthermore we ask that the City **use best management practices to minimize any unnecessary tree loss** during road reconstruction, as part of the City's *Climate Emergency Action Plan* that supports the City's *Climate Emergency Declaration*.

In addition, we urge the City to reconsider how residents are engaged prior to design finalization followed by construction completion with regards to residential streets. Collaboration is important. This is the challenge and the joy of living in a diverse community where we seek to accommodate everyone as best we can while striving to provide substantial benefit to the well-being of our residents.

INTRODUCTION:

As members of Council know, trees and sidewalks are a hot topic among residents who discover that they are about to be impacted by decisions that in too many cases, were decisions about which they had no previous knowledge. Perhaps Council members are surprised at the response given their awareness of documents like the 2016 London Plan and the Complete Streets Design Manual. Council members may believe that opportunity was given for public input as part of the preparation of these documents. Unfortunately many residents, like us, were not aware that the London Plan was being prepared.

Those who signed our petition agreed with the following:

“A sidewalk will destroy many mature trees that shade & beautify our streets, trees that are integral to climate change mitigation; it is noted that some trees will need to be removed due to other factors (disease, etc.). The character and of the neighbourhood will be drastically changed.

We, the undersigned agree with the City's desire to maintain strong and healthy communities through safe and accessible infrastructure.

We strongly disagree that the only solution to achieve this is to build sidewalks when streets in our neighbourhood are being reconstructed. We have almost 60 years of experience that demonstrates that our neighbourhood is pedestrian and cyclist friendly, promotes walking and physical activity, is attractive, comfortable and efficient, and supports many different forms of mobility for people of all ages.

As such we, the undersigned, respectfully request that the Council approve a motion to **not build sidewalks** on the above mentioned streets and **use best management practices to minimize unnecessary tree loss** during road reconstruction.”

In similar situations Council has taken into account the concerns of residents and has exempted specific streets from sidewalk construction,

Our response is not a Nimby [not in my backyard] issue. This is a bigger issue that affects many people in many neighbourhoods in London who live on streets that are designated as neighbourhood streets and currently do not have sidewalks.

We base our case for exemption on the following:

- A. Value of Mature Street Tree Canopy & Mitigating Climate Change

- B. Safety and Accessibility
- C. Design to Meet a Variety of Priorities
- D. Due Process
- E. Uniqueness of the Sherwood Forest Neighbourhood

A. VALUE OF MATURE STREET TREE CANOPY & MITIGATING CLIMATE CHANGE

SUMMARY: We request serious consideration of the important benefits and value of London's mature tree canopy in the decision to exempt the Friars Way and Sherwood Forest neighbourhood streets from the installation of sidewalks in the planned road reconstruction. Of equal importance is the Sherwood Forest mature tree canopy's role in not only keeping our "Forest City" brand, but also helping to mitigate climate change, which aligns with the City of London's 2019-2023 Strategic Plan and Climate Emergency Declaration.

1. MATURE STREET CANOPY

- Friars Way and the majority of Sherwood Forest street trees are at least 50 years old and in their prime, and provide a substantial canopy (80 m²avg./tree)
- Majority of trees are large caliper little leaf Linden (*Tilia cordata*), an excellent choice by city planners – These are healthy trees, originally planted for resistance to disease, strength and longevity, with lifespan 100 years or longer in urban settings
- Will take 2 – 3 DECADES for any replacement trees to reach the current benefits of these mature trees
- Future growth of replanted trees will be constrained by installed sidewalks on one side and curb and gutters on the other side
- Without sidewalks, existing trees can remain, flourish and continue to provide multiple benefits
- Many trees identified for removal meet the **distinctive tree status** of the **City of London Tree Protection Bylaw** (>50 cm dbh) and those that don't are just shy of this size (average of 45 cm) (Fig. 2)



Fig. 1: Photos of the canopy extending Friars Way

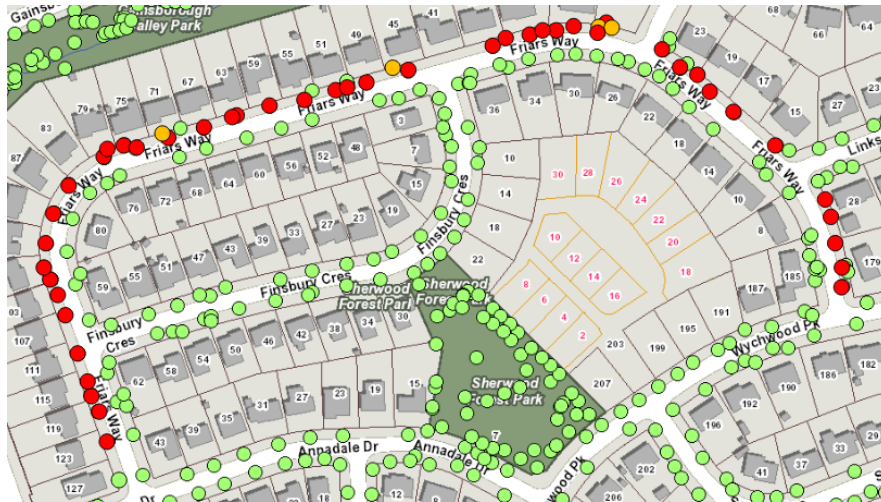


Fig. 2: Trees to be removed, identified by dark red and orange circles.
Source: preliminary drawings, Deris Dow, City of London; City Map, London.ca

2. HIGH VALUE OF MATURE STREET CANOPY

- **Neighbourhood Identity, Cultural Heritage and Health benefits**

- The leaf lined, shaded local streets are a defining character of the neighbourhood and a highly valued asset to the residents
- This heavily treed neighbourhood provides social, mental and physical health benefits, important for all Londoners - enjoyed by people of all mobility within and beyond the neighbourhood
 - Providing shade for pedestrians is an accessibility issue (Corporate Asset Management Plan, p. 282)

- **Urban Forest Strategy**

- Keeping the trees supports the **implementation of the Official Plan**, so that London can become one of the greenest cities in Canada – The plan [mandates or recommends –which one] an increase in the city tree canopy from 21% to 34% by 2065
- Support Urban Forest Strategy (Sec. 391, 399)
 - #3 Large, rare, culturally significant or heritage trees that are deemed healthy or structurally sound should be retained with the expectation that concessions may be required in order to support their structure and retain their health for the long term
 - # 5 Trees will only be removed for such works based on good forestry practices
- **Sherwood Forest was showcased in the Urban Forest Strategy** document as a good example of an Urban Forest canopy; however, 0.25 ha plus tree canopy is now planned for removal on Friars Way alone based on early estimates of 30 trees to be removed for road construction.

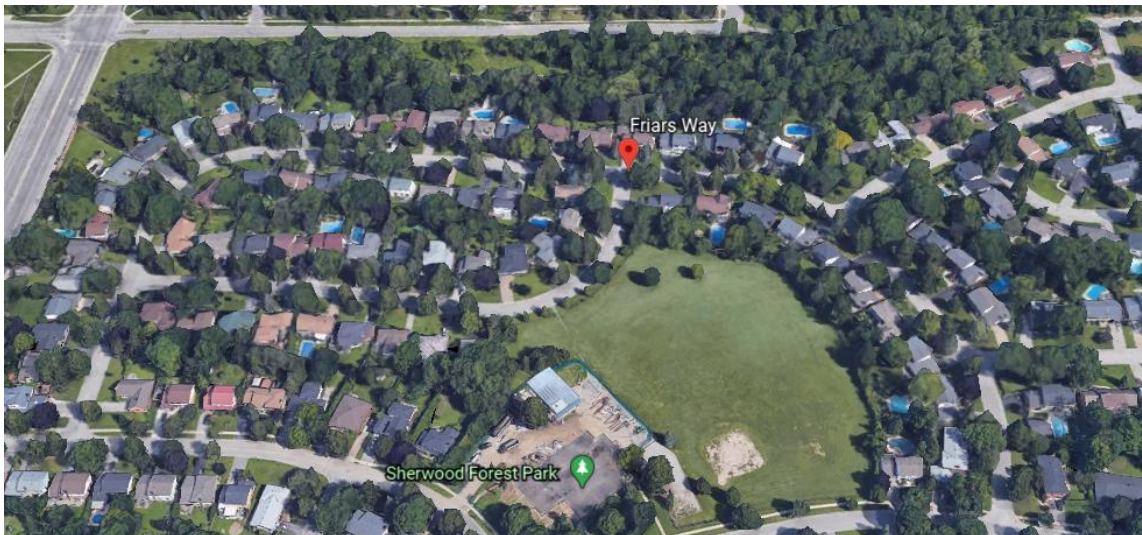


Fig. 3: Ariel view of a portion of Sherwood Forest

- **Ecological Impact**

- Elevated benefit with close **proximity to the Medway Valley Environmentally Significant Area (ESA)**. For example raptors (Coopers Hawk, Red-tailed Hawk, Screech Owls) often use S.F. trees as perches while hunting in and around the ESA (Fig. 3)
- Linden trees are valuable pollinator trees (Source: www.halifaxproject.com)
- **Policy 649, London Plan:**
 - Identifies protecting pollinator habitat

- Promotes London as a pollinator sanctuary, supporting treed environments that are conducive to pollinators in all planning and public works (road construction)
- Sidewalk installation
 - Increases stormwater run-off
 - Requires sands and salts to make them truly accessible for all mobility requirements
 - This additional contamination will reach Medway Creek, the cornerstone of this ESA

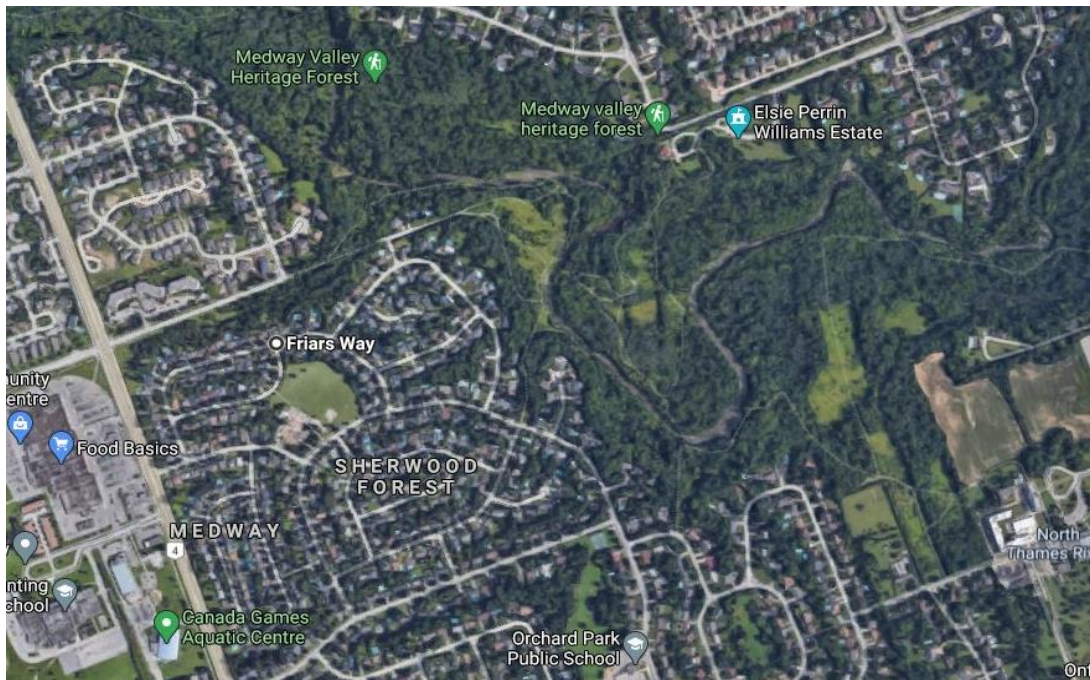


Fig. 4: Proximity of Friars Way and neighbourhood to Medway Valley Heritage Forest ESA

3. CLIMATE CHANGE MITIGATION by protecting mature trees

- Mature trees are one of the simplest and most effective ways of counteracting climate change caused by greenhouse gas, carbon dioxide (Source: *WorldVision, Australia*)
 - Trees 50 cm in diameter have more than double the environmental benefits, Such as pollution removal from air, oxygen production by tree 'metabolism' in summer, etc., than a 25 cm diameter tree.
- Mature trees reduces private residence energy consumption, as shade provides sun shielding and energy efficiencies reducing greenhouse gas requirements
 - Mature trees help London reach its goal of energy consumption and greenhouse gas emissions reduction by at least 30% by 2030
- **Mature Trees support London's 2019-2023 Strategic Plan and Climate Emergency Declaration:**
 - Climate Emergency Action Plan and London Plan

- Mitigates severe weather damages, including those from flooding, high winds, freezing rain and extreme temperatures
- Mitigates the increase in tree loss from diseases like Emerald Ash borer, Dutch elm, Gypsy moth
- Integrates climate change into asset management - Trees are an Asset!
 - Increases commercial investments and property values

- **ASSET VALUE**

- *The International Society of Arboriculture* has developed a recognized system for valuing trees- recognized by the City of London
 - 45 cm diameter tree (average size of tree for removal on Friars Way) in front of a house would be valued at **\$28,000.00 per tree**
 - Represents an urban forest asset loss of nearly **1 million dollars!** Once all trees are actually evaluated for removal, including private trees, this number would be much higher.

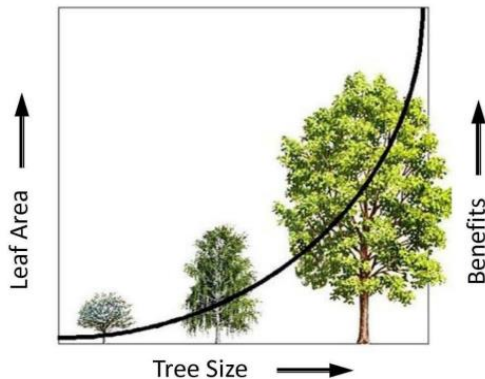


Fig. 5: Benefits as trees mature increase exponentially

4. POLICY AND BY-LAW CONFLICTS

- Removal of these mature trees conflicts with
 - Forest City brand
 - Forest City Policies 386-388 of the London Plan
 - Urban Forest Strategy and
 - Climate Change Emergency objectives
- Many distinctive trees, as defined by the Tree Protection By-law, will be removed.
- Section 400.8 of the London Plan (Urban Forest Policy section) states:
 - Medians and boulevards will be designed to *protect trees* and support their establishment and long term health, growth and development
 - Contrary to this policy, we are in receipt of a plan to **clearcut a minimum of 30 large 50 year old mature street trees on just Friars Way.**

"If current management practices (both on private and public land) continue our future urban forest will have [significantly] fewer and smaller trees. The forest will be more susceptible to catastrophic losses due to a variety of factors from which it may not be able to recover, even if we increase the level of funding at that time. There may not even be sufficient funding available to deal with environmental catastrophes when they occur. Future environmental and other benefits and services will be reduced and the overall

quality of life for future generations will be lower."(Source: City of London, Urban Strategy and Implementation Plan Meeting, June 3, 2014)

B. SAFETY AND ACCESSIBILITY

SUMMARY: Our neighbourhood meet the tests of London's *Vision Zero* principles. We offer alternatives that will enhance safety and accessibility without the addition of sidewalks that would enable the City to preserve and protect the mature trees that are an established asset to the City.

Today our residential community is inclusive and safe and gives everyone who uses our streets equal service and access. We are blessed with an abundance of mature trees both on city and private property that makes Sherwood Forest a very attractive place to live.

We respectfully and strongly disagree that sidewalks are the only solution to providing safe access to all the users of our neighbourhood streets, particularly in the light of the many mature trees that must be cut down to accommodate these sidewalks.

We have several decades of experience that demonstrates that our neighbourhood is pedestrian and cyclist friendly, promotes walking and being physically active, is attractive, comfortable, efficient and supports many different forms of mobility for people of all ages.

The streets Friars Way, Doncaster Place and Abbey Rise are classed as neighbourhood streets in the City's plans. They are the least in the hierarchy of the urban streets in London's street network. They are quiet, low volume traffic streets that were designed in a curving pattern that naturally slows down vehicular traffic. In addition our streets are wider than the current design standard of 7.5 m of pavement. For example, Friars Way has 8.3 m of pavement allowing greater space for an on-street shared area for pedestrians.

Furthermore, there is no advantage for drivers to "cut through" these streets, to get to external destinations. If anything traffic has *decreased* on our streets (Friars Way particularly) with the removal of Sherwood Forest Public School and the concrete median constructed on Wonderland Road to prevent southbound turns from Wonderland Rd onto Annadale Dr into our neighbourhood, and to prevent left turns from Annadale Dr onto Wonderland. There is no reason to expect that the use of our neighbourhood will change, noting also that the new development on the old Sherwood Forest Public School lands will be using Wychwood Park as its access point, and thus will not increase traffic on the streets targeted for tree removal.

We are a pedestrian-friendly neighbourhood where pedestrians, including those with physical disabilities, cyclists AND motor vehicles respectfully share the road. Furthermore, our group has heard from mobility impaired individuals in our neighbourhood and their feedback has been that, in this area, a street level surface is more user friendly and safe for their mobility than sidewalks, especially during the winter.

The following is a note that was sent to members of Council:

"Our experience on our street and in the neighbourhood reinforces the original plan of safety and accessibility for all residents. Over the years, our 4 children have had multiple sports injuries, and felt safe walking on our street in boot casts or using crutches. Personally, I have had two hip replacements, and have spent months of rehabilitation, feeling completely safe walking our streets on crutches. My 87 year old father also had hip surgery, and rehabilitated in our home for 3 weeks, also feeling safe walking with crutches on our street. Our 80 year old neighbour is seen out for daily walks in all seasons using her walker."

In our research we have discovered that the City has adopted the following Vision Zero Principles:

- No loss of life is acceptable
- Traffic fatalities and serious injuries are preventable
- We all make mistakes
- We are all physically vulnerable when involved in motor vehicle collisions
- Eliminating fatalities and serious injuries is a shared responsibility between road users and those who design and maintain our roadways." (quote from the "Review of the Forthcoming City of London Complete Streets Design Manual")

We have searched for studies and incident reports to document the risks to pedestrians and less mobile pedestrians in urban neighbourhoods like our own. We found no data for London, or for similarly sized cities, which would suggest that such incidents are relatively rare. Our experience and the lack of any evidence to the contrary demonstrates that our streets meet the 'Vision Zero' criteria of no loss of life and that our streets provide "a pedestrian friendly environment" as per the Complete Streets Manual, p 22.

That paragraph goes on to state that "*The City will use an evidence-based decision-making framework to assess, guide and improve traffic safety.*" We respectfully suggest that the evidence is clear that our neighbourhood streets are already safe, yet we see opportunities to enhance safety by the implementation of soft measures such as noted in the next section and at the same time save a very valuable City resource, the mature trees that line our streets.

We chose not to extend our investigations regarding accessibility for bicycles. The Report does not mention cycling infrastructure objectives, which are prominent throughout the Plan, even though Sherwood Forest is a prime target for cycling or shared-use infrastructure:

- we are within easy commute to key economic nodes
- we have quick access to the BRT
- there are existing links to bike paths on Wonderland Road and Brescia College, and
- we are an active cycle community

Furthermore, narrowing the road to 7.5 m as proposed increases the risk for cyclists.

C. DESIGN TO MEET A VARIETY OF PRIORITIES

SUMMARY: We call for implementing the Best Management Practices in the proposed road reconstruction projects to balance the variety of the city's priorities. Given the present plans and the recent experience on some of the other city streets we are concerned that the current approach to mitigation of environmental impact may be inadequate. Several possible measures to reduce the number of affected trees without compromising safety are suggested.

The following are quotes from the *London Complete Streets Design Manual*, August 2018. The italicized words emphasize the fact that our streets meet the following criteria without sidewalks.

Pg 23 - Section **1.4 The Vision for Complete Streets in London**, point 2 "... that will *meet the needs of a wide range of users* as defined by the place, type, *feature high-quality pedestrian environments*"

From **Section 1.5 Design Principles for Complete Streets**, section entitled

Pg 25 - "**Embed Sustainability**

Streets should be *designed to minimize environmental impacts* and maximize the lifespan of physical infrastructure. The design of streets *should promote low emission and energy efficient travel modes such as walking, cycling, transit and carpooling*. Wherever feasible, *streets should promote ecosystem diversity through trees, planters and vegetation*, include low impact development features *to facilitate groundwater recharge, maximize solar reflectivity to reduce the urban heat island effect, and make use of low impact construction techniques and materials*. This principle also suggests that complete streets planning and design should be economically sustainable. Decisions should be cost-effective and not place undue short- or long-term financial burden on the City for street construction, operations, and maintenance. (Reflects policies 52, 62, 65, and 216 in The London Plan)"

Pg 25 - And the section entitled "**Emphasize Vitality**" — "*Streets that attract pedestrians enhance urban vitality*. Whether out for a relaxing stroll"

Pg 51 - Section **2.5 GREEN INFRASTRUCTURE**

"In the context of complete streets, *green infrastructure refers to street elements that support the ecological and hydrological systems in the city*. Green infrastructure can improve storm-water management, air quality, biodiversity, and help mitigate the urban heat island effect. *Green infrastructure features enhance the aesthetic and comfort of the streetscape, improving physical and mental health outcomes for residents, making walking and cycling more attractive*, and reducing perceived wait times for transit riders. Green infrastructure features such as street trees and planted curb extensions in a permanent motor vehicle parking lane can also have a traffic calming effect. *Beyond supporting more livable, complete street design, green infrastructure plays an important role in the City's overall sustainability goals*. "

In the context of neighbourhood streets, we can see how the "*London Complete Streets Design Manual*" applies to new development as the opportunity is there from the beginning to design

streets that include all the elements of a 'complete street' such that pedestrians and environmental elements are in harmony. We do not see any reference in this Manual for exceptions to be made in the case of existing streets that do not have sidewalks and that have healthy mature trees and have a proven record of Vision Zero.

Furthermore, the City's *Urban Forest Strategy*[1], 2019-2023 Strategic Plan[2], and the London plan[3] all state the importance of preserving, maintaining and growing tree coverage throughout London. Our understanding is that this is not a secondary priority but one of the key directions for moving forward.

Hence, we anticipate that the City will use the most appropriate Best Management Practices to balance the variety of the city's priorities. In particular, we are respectfully asking the Council to take into account the unique characteristics of our neighborhood, the strong consensus of its residents, and the relevant data to consider alternative traffic control and engineering solutions to better accommodate the interests of everyone.

We are compelled to call for implementing best management practices because of our concern that the current plans, approaches, and communication of rationales for decisions could be inadequate. For example, we were informed that some trees may be lost due to road construction even in case sidewalks are not installed. Indeed, we had a chance to observe that this happened last year on Runnymede Crescent. However, our communication with the construction administration did not clarify which trees would be affected, and we were not convinced that appropriate measures would be taken to minimize the negative environmental impact. There are also examples of road reconstructions on some streets of the city (some with installation of new sidewalks, some with reconstruction of existing sidewalks) that lead to irreversible environmental damage (for example, Tecumseh Avenue in 2017; Regal Drive in 2019).

Positive examples also occur when the construction administration worked together with the involved parties to come up with reasonable solutions and mitigations in established neighborhoods to balance all the priorities (for example, Oakridge area road construction in 2017-2018). In our own neighborhood we had a successful example of design and construction of Sherwood Forest Park in 2019-2020.

To make sure that the proposed road reconstructions become examples of success we are asking to consider the following possible measures to reduce the number of affected trees without compromising safety of the people as appropriate to each street.

Soft measures

- Allow parking only on one side of the road
- Consider making some streets one-way for traffic
- Dedicate a portion of the street width to pedestrian/wheelchair traffic along with proper signage and markings on the street that would enhance the safety of those with mobility / disability issues.

These are the sort of measures which are used in other jurisdictions, in the “Living Street” model. In fact some of the above measures were successfully used in establishing bicycle lanes in parts of London in recent years, and this could be adapted for pedestrians and those with mobility needs.

Hard measures

- To protect the roots of mature trees that are close to the curb and susceptible to root damage from the curbs by hand instead of using a curb machine
- If there is an opportunity - widen the road but not at the detriment of harming the mature trees. The current pavement width on Friars Way is 8.3 m. The wider road is safer for pedestrians, cyclists and those with mobility issues, than the 7.5 m design width of a neighbourhood street. (In both cases add another 0.6 m for gutters)[4]

It would be greatly appreciated if Council members would consider implementing some of the above measures (or measures that City staff may be aware of) to accommodate better the interests of everyone involved. We also would be very grateful if the rationale for the final decisions were communicated to our community.

[1] City of London Urban Forest Strategy – Implementation Plan (2014), p.14.

[2] Strategic Plan for the city of London, 2019-2023, p.16.

[3] The London Plan (2019), section *Forest City*, p.89-93.

[4] London Complete Street Design Manual (2018), p.96.

D. DUE PROCESS

SUMMARY: the approach employed for designing and installing sidewalks in Sherwood Forest is not supported by overarching policy or planning procedures. This proposal needs to be re-evaluated in the broader context of city policies to find solutions that apply best practices and are in line with the short and long term objectives of the city.

This is an unpopular project. Council and Committee are being pressed from all sides. Thus, we recommend that the February 9, 2021 report to CWC entitled “*New Sidewalks in 2021 Infrastructure Reconstruction Projects*” (*The Report*) be examined carefully for its rationale and demonstration of alignment with city priorities, vision, goals and objectives.

When reviewed against the policies referenced in The Report the proposed project does not align well with key city policies, and does not provide sufficient rationale in policy to support the proposal.

A review of the city policies cited in The Report indicates that those policies don't obligate the city to install sidewalks, and in some cases policy directs against the default installation of sidewalks.

The Report is also inappropriately silent on areas of policy that conflict with the default sidewalk policy. The failure in analysis to examine the conflicts between other policies and the default sidewalk policy leaves the project open to unexpected and unaccounted-for costs. It also contradicts efforts to ensure that city policies are integrated and support each other in purpose.

One example is shown in the following table: *Expectations from the Strategic Plan* are shown on the left and recommended *Strategy Options to achieve the Expectation* are shown on the right. Items in plain text were addressed in The Report and those in bold were not addressed. This is not a comprehensive review, just an example.

It appears that The Report picks items selectively from the Strategic Plan goal. It addresses an Expectation from the Plan - 'support for future development'. It then addresses the best Strategy Option to attain the Expectation - 'balance development and funding'. The Report advances the argument that this supports building sidewalks during road work, for cost efficiency.

Strategic Plan - Building A Sustainable City

Expectation (Addressed/Not Addressed)	Strategy Option (Addressed/Not Addressed)
Build infrastructure to <u>support future development</u> <u>and protect the environment.</u>	Continue annual reviews of <u>growth infrastructure plans</u> to <u>balance development needs with available funding.</u> <u>Work with multi-sectors to finalize the Climate Change/Severe Weather Adaptation Strategy for London's built infrastructure.</u> *
<u>Improve London's resiliency to respond to potential future challenges.</u>	<u>Advance sustainability and resiliency strategies.</u> <u>Prioritize investment in assets to implement the Asset Management Plan</u>

* Note climate change adaptation or mitigation strategies will undoubtedly place a high value on the canopy for sever wind dissipation, shading, moderation of ground temperature, water absorption and retention, and most of all for their exceptional carbon sequestration. #### unsubstantiated, refuted

The Report, however, fails to fully address the 'development- Expectation' from the Strategic Plan, which includes "*and protect the environment.*" Nor does it address others of the Strategy Options like 'apply severe weather adaptation strategies' that would apply to the Expectation, if The Report had presented it in its completeness.

Lacking review altogether is the Expectation that the project will ‘improve resiliency to future challenges, and the obviously related Strategy Option of ‘practice sustainability and resiliency strategies’.

Also lacking review: *‘implement Asset Management Plan’*, Strategy Option would illuminate policy that emphasizes forest infrastructure as a key feature of climate resiliency, and identifies an asset gap that needs to be addressed through retention of canopy .

Insufficient attention to, or inaccurate representation of city policy like this example can be found throughout The Report.

The following is another example. The Report identifies Strategic Plan goals of *‘Creating Safe Places for Girls and Women’*, implying that the project will address the vulnerability and disadvantages of Women and Girls, via enhanced pedestrian safety in Sherwood Forest. The claim is not supported with a reference and no evidence was found in police records of gender specific road safety issues.

The proposed project and its rationale precede pending city policies which will put more weight and value on tree canopy protection, in line with the climate emergency crisis. If necessary, the proposed projects should be delayed and reconsidered in context of pending policies that are high priority and relevant.

The street level outcome of this direct application of the high level policy (sidewalks) is insensitive design. That is, design that fails to capture the unique opportunities, and fails to limit unnecessary costs.

The approach employed, of applying high level policy and theoretical benefits, for designing and installing sidewalks in Sherwood Forest is not supported by policy or planning procedures. Rather, testimonials and site specific consultation indicate an accurate project environment where:

- the projected increase in walking is undocumented and not credible,
- that there are no transit nodes involved,
- that street trees are not appropriately valued, and
- streets, in practice, are universally accessible already.

This proposal needs to be re-evaluated in the broader context of city policies to find solutions that apply best practices and are in line with the short and long term objective of the city.

E. UNIQUENESS OF THE SHERWOOD FOREST NEIGHBOURHOOD

SUMMARY: The design and development of Orchard Park and Sherwood Forest was intentional and sensitive to the land. The roads were planned to take full advantage of the rolling land and to ensure safe driving conditions throughout the community and the trees contribute to the character of the neighbourhood.

The design and development of Orchard Park and Sherwood Forest began in the mid-1950s after the purchase of farm land in north-west London by Bill Davies. Bill Davies had successfully earlier developed University Heights and looked to expand into the farmland owned by George Gunn, Gilbert Sleight and Harold Sleight. Sherwood Forest had previously been the Dr. Russell Schram farm.

Gordon Culham, the planner responsible for Western, Brescia and St. Peters, designed the layout of the neighbourhood. In *The Story of Bill Davies*, he describes trees as being central to the original design of the sub-division. "All street layouts were prestaked, so roads could be adjusted to retain as many trees as possible, as well as natural contours" [p108, The Bill Davies Story – London Room].

The design was intentional and sensitive to the land. The marketing brochures of the time note that "[t]he roads are planned to take full advantage of the rolling land and to ensure safe driving conditions throughout the community Practically all the beautiful trees have been retained in Sherwood Forest ... to be sure that each home will have the best setting possible in keeping with the typography and natural surroundings" [Compare Sherwood Forest and Orchard Park Marketing Brochure].

In addition to the trees retained during the planning and development process, more trees were planted as new families purchased in the sub-division. "As the subdivision developed, a lot of deciduous, evergreen and flowering crab trees were planted. Each family was given a tree when they moved in ... to create the same colourful atmosphere that the farms had before development. Trees were brought in by the truckload from Fonthill and Port Burwell Nurseries, and heeled in on a lot on Metamora so they could be protected until they were distributed. Trees were planted at every lot line by the Orchard Park Development Company" [p112, The Bill Davies Story – London Room]. There was great care by the developers and the first residents to maintain and foster a neighbourhood that was connected to its treed history.

Beyond the local lore, trees are an important feature of street design. Currently, street design as a practice, is marked by a tension between street (traffic) efficiencies and street quality made of the intersections between sociability, walkability and "delight" from green spaces (p2-3, Grammenos, "Residential Street Pattern Design"). The trees contribute to the character of the neighbourhood. In Grammenos' terms, green spaces as parks, boulevards and treed streets, provide "delight" as a "well-designed green space provides visual relief and opportunity for relaxation, becomes a place for casual contacts, and forms a haven for kid's play. Green space also has environmental benefits: it cools the air, recycles carbon dioxide, and retains rainwater" [p3, Residential Street Pattern Design].

Although the loop and cul-de-sac street design, typical of the post-war era, is considered to be inefficient and indirect for the purpose of walkability to amenities, it is known to increase *sociability*. According to Fanis Grammenos, senior researcher with CMHC: "to enhance sociability, particularly with regard to children's safety and play, most traffic experts recommend discontinuous street patterns of the kind found in conventional loop and cul-de-sac suburbs. Such street patterns consistently show a lower rate of accidents and a higher level of perceived security." [p3, Residential Street Pattern Design].

The design of Sherwood Forest, with the wide, curvilinear roads and the heavy investment in trees from its inception has created a strong sense of community amongst its residents. The petition has

collected the voices of over 300 residents in our neighbourhood who are opposed to the removal of the trees. These were the same voices that participated in the Sherwood Forest School Redevelopment. Keeping the character of the neighbourhood was a central goal in the redevelopment project. Many families whose children grew up attending Sherwood Forest Public School wanted to see something positive come from the loss of the school.

The city engaged the neighbourhood in a series of open meetings to gather the thoughts of the residents who were invested in the project and wanted to see the character of the neighbourhood retained. The sale of the land to The Hampton Group offered a happy ending for all involved. There is a desirable in-fill development now with a mix of condominiums and family homes along with a new green space for Sherwood Forest. Highly successful, this project is considered a model redevelopment for the city. As the London Free Press reported, in *“New development on former site of Sherwood Forest elementary school could be the wave of the future as more schools close”* [published February 4, 2018] that “This development in particular shows this Council’s commitment to the community. They turned a negative into a positive “Michael Tomazincic, a city planner, said of the school closing, “There’s been a lot of collaboration between the city and community. It is high-quality urban design.””

If the city were to consider the same approach to its roadworks project, not just in Sherwood Forest, but across the city, there would be many more happy residents. When design is intentional and sensitive to the area, in the way that Bill Davies and his partners were to the development of Orchard Park and Sherwood Forest, it allows a community to flourish. “Strengthening the Community” is a goal from the London Strategic Plan 2019-2023. It behooves the City to listen to its residents, and hear their experiences living in these neighbourhoods to work towards a design approach that retains the residential character while further supporting safety and walkability. As Coun. Phil Squire commented in the London Free Press article, the redevelopment “is a precedent, the city is the facilitator for good development that matches the community. This is good for everybody.”

CONCLUSION

We are asking that Council approve a motion to exempt Friars Way, Doncaster Place and Abbey Rise and the connecting links of Doncaster Avenue from Friars Way to Doncaster Place, and Scarlett Avenue from Abbey Rise to Wychwood Park from the having sidewalks constructed on our streets when they are reconstructed because:

- of the high regard for the value of mature trees from an environmental and societal perspective, both for our neighbourhood and for the City as a whole
- there are valid alternatives to cutting down trees, to enhance safety and accessibility for pedestrians, those with disabilities, and cyclists that, at the same time, also respect other important needs in our community
- there is a better way to promote and respect the character of our neighbourhoods
- the approach employed for designing and installing sidewalks in Sherwood Forest is not supported by overarching policy or planning procedures. This proposal needs to be re-evaluated in the broader context of city policies to find solutions that apply best practices and are in line with the short and long term objectives of the city.

A Better Way

- the design and development of Orchard Park and Sherwood Forest was intentional and sensitive to the land. The roads were planned to take full advantage of the rolling land and to ensure safe driving conditions throughout the community and the trees contribute to the character of the neighbourhood.

It will take a willingness on the part of the City to work cooperatively with the residents in each neighbourhood and to be creative both in engagement, design and reconstruction of our streets. If the City still intends to reconstruct our streets this year we are willing to engage. However, if more time is needed, than so be it, so that we get this right. It would be a pity if irreversible changes were made due to hasty decisions.


Going forward, we believe that the City needs to establish a better process to engage residents who may be impacted as we have been. The London Plan, and the London Complete Streets Manual do not recognize the place of legitimate exemptions to the sidewalk policy, how that would be determined, and how best to engage the neighbourhoods that are affected by these decisions. This is a larger matter than we can address in this report. We expect that The London Plan will be coming up for review and this may be an opportunity to engage a wider cross section of stakeholders, like ourselves, to address this matter.

In addition we would encourage the City to extend its timeline to engage the communities that will be impacted by construction to the year before the project is to proceed.

We need to work together. This is the challenge and the joy of living in a diverse community where we seek to accommodate everyone as best we can while striving to provide substantial benefit to the well-being of our residents and be a benefit to all of our London community.

Those who have contributed to the development of this report:

Peter Canham, Peter Corbin, Lillianne Dang, Therese Hutchinson, Lila Kari, Patti MacLennan, Julia Morrow, David O'Gorman, Greg Pavlov, Steve Nazarian, Gary Renlund, Ron Standish



Friars Way/Doncaster Place Road Reconstruction

The case for integrated environmental & accessible design



Confirmed Tree Removals

Number of trees to be removed: 51

Number of trees remaining: 71*

*Likely to worsen as many are 50–60 year-old trees <1m from curb

Sources: preliminary drawings, Deris Dow, City of London;
City Map, London.ca

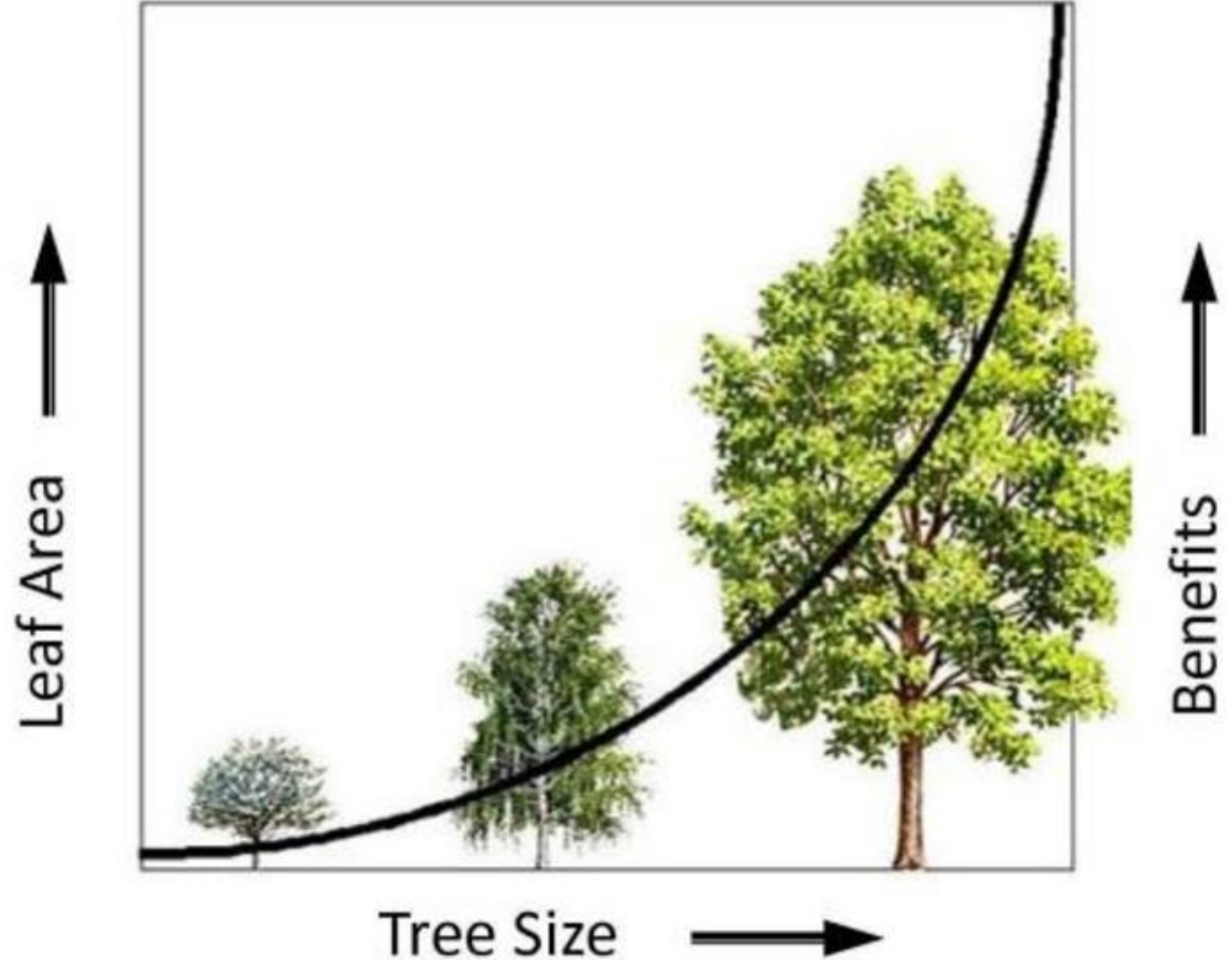
A Better Way

Recommending a cohesive approach

- **Economic Impacts**
 - Trees are a city asset
- **Sociological Impacts**
 - Social, mental, and physical health
- **Ecological Impacts**
 - Pollinators, habitat, water runoff, etc...

Economic Impact: Conservation is more effective

- Estimated canopy loss of 4000m²
- An urban forest asset loss of nearly \$1,000,000.
(International Society of Arboriculture)
- A 50 year old tree can't be replaced – Tree value growth is exponential
- The only way to meet City goals for greater urban tree canopy is through conservation



Sociological Impacts: Tangible benefits to community and health



“Our community isn’t car vs pedestrian. It’s a small area and everyone waves as they go by, whether they are in a car, on a bike, or walking. The respect is a two-way street.”

- Friars Way Resident

“I try and stick to the streets that don’t have sidewalks as much as possible. They are much safer. The drivers in the neighbourhood know how to share the road...”

- Longbow Rd Resident
(identifies as disabled)

Ecological Impacts

1. Cooling city streets (Project Neutral)
 - Reducing energy costs and providing reprieve from the sun
2. Managing stormwater and reducing urban flooding
3. Protect biodiversity and habitat (birds and pollinators)

Source: The Nature Conservancy

Aligns with City Goals:

- 2019-2023 Strategic Plan – ‘A climate lens for decisions’
- Urban Forest Strategy
 - Key pillars: ‘Protect more’ and ‘Engage the community’

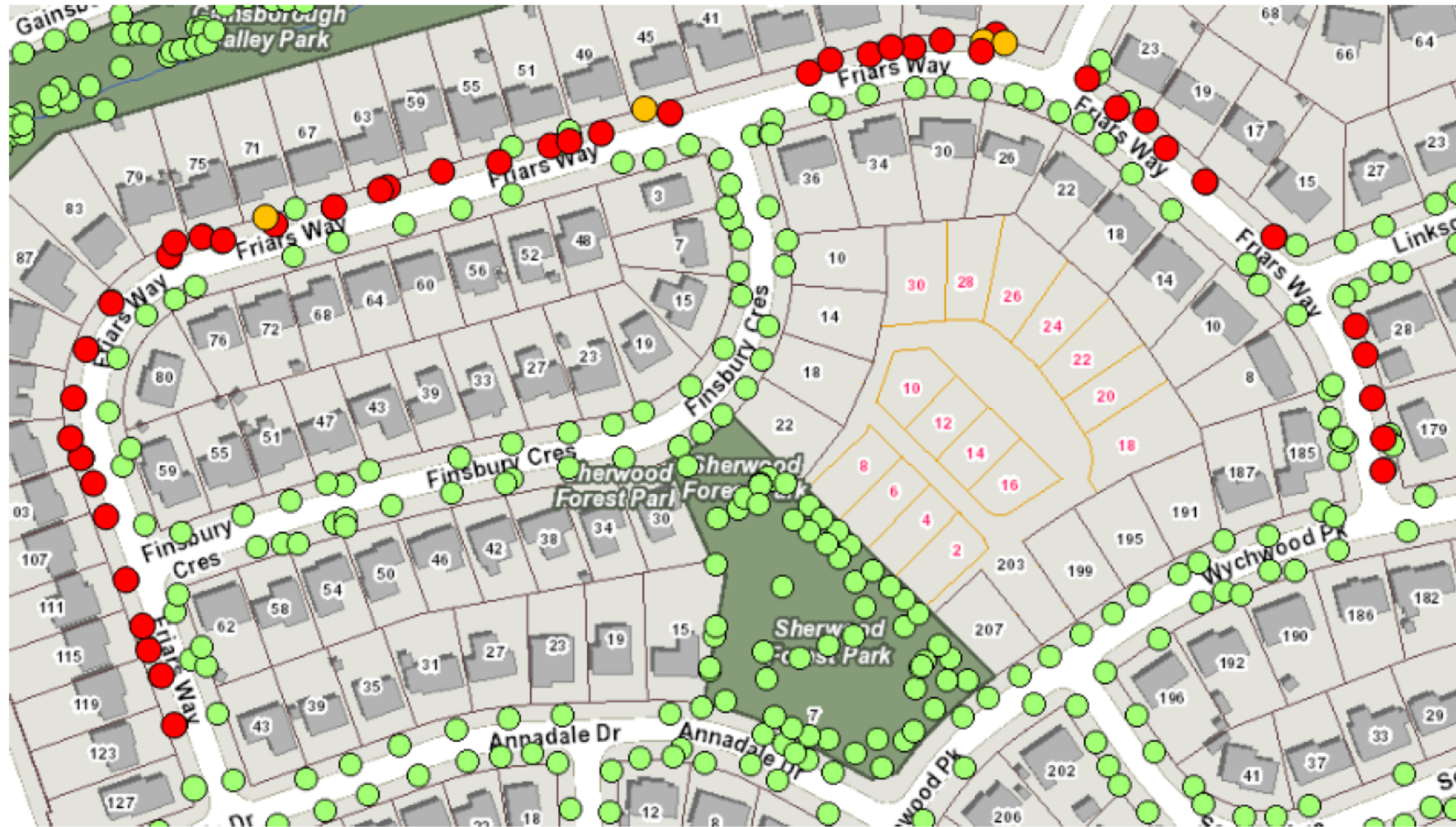


Conclusions

- Current plan for sidewalks in Sherwood Forest is net negative
- The economic, social, and ecological cost is too high
- Our wide roads, low traffic, and curvilinear street allows safe mobility for all
- A better way for communities across the city must be investigated
- We request CWC and council to exempt Sherwood Forest from the sidewalks recommended in the current work plan

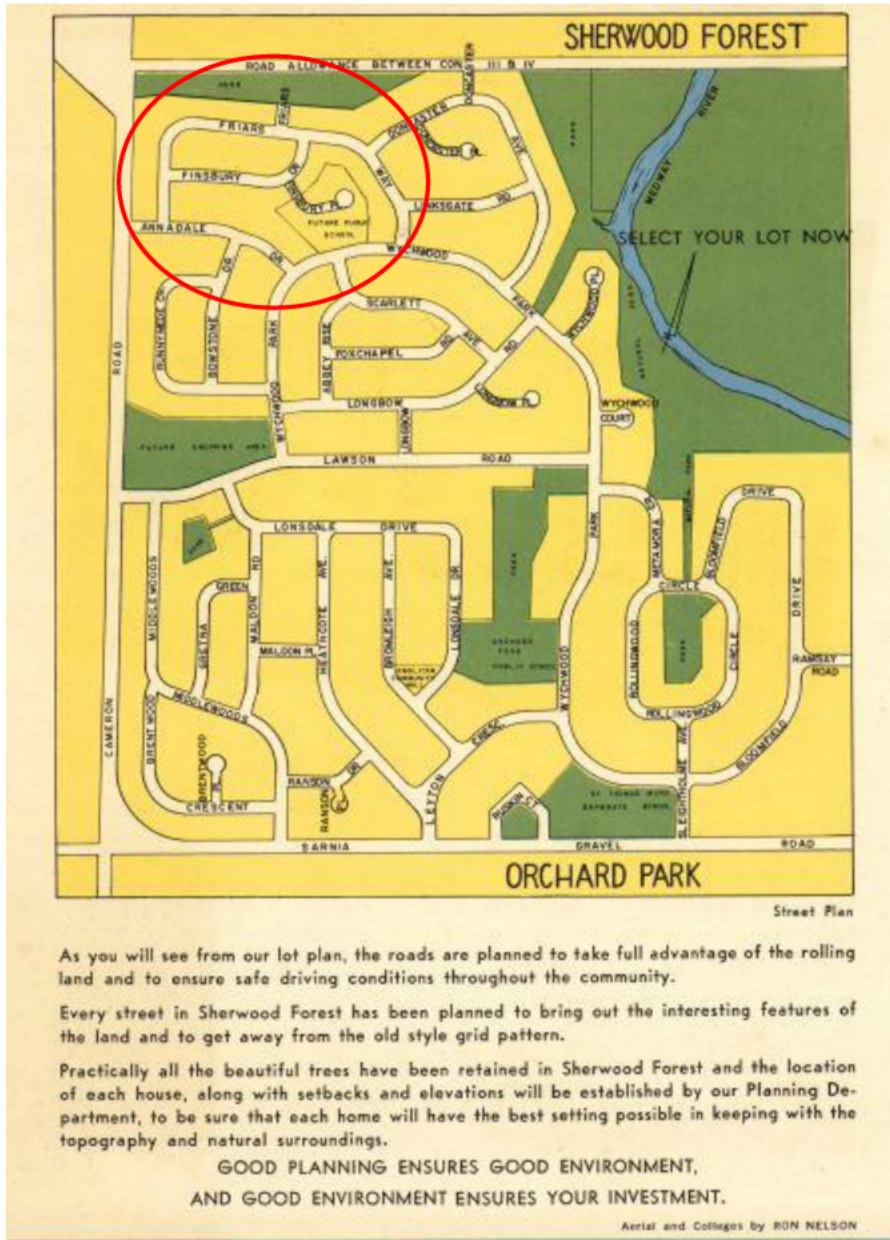


The Culture &
Community of
Sherwood Forest



Friars Way: trees to be on removed, identified by red and orange markers.

Source: preliminary drawings,
Deris Dow, City of London; City Map,
London.ca



“A Neighbourhood of Everlasting Beauty”:

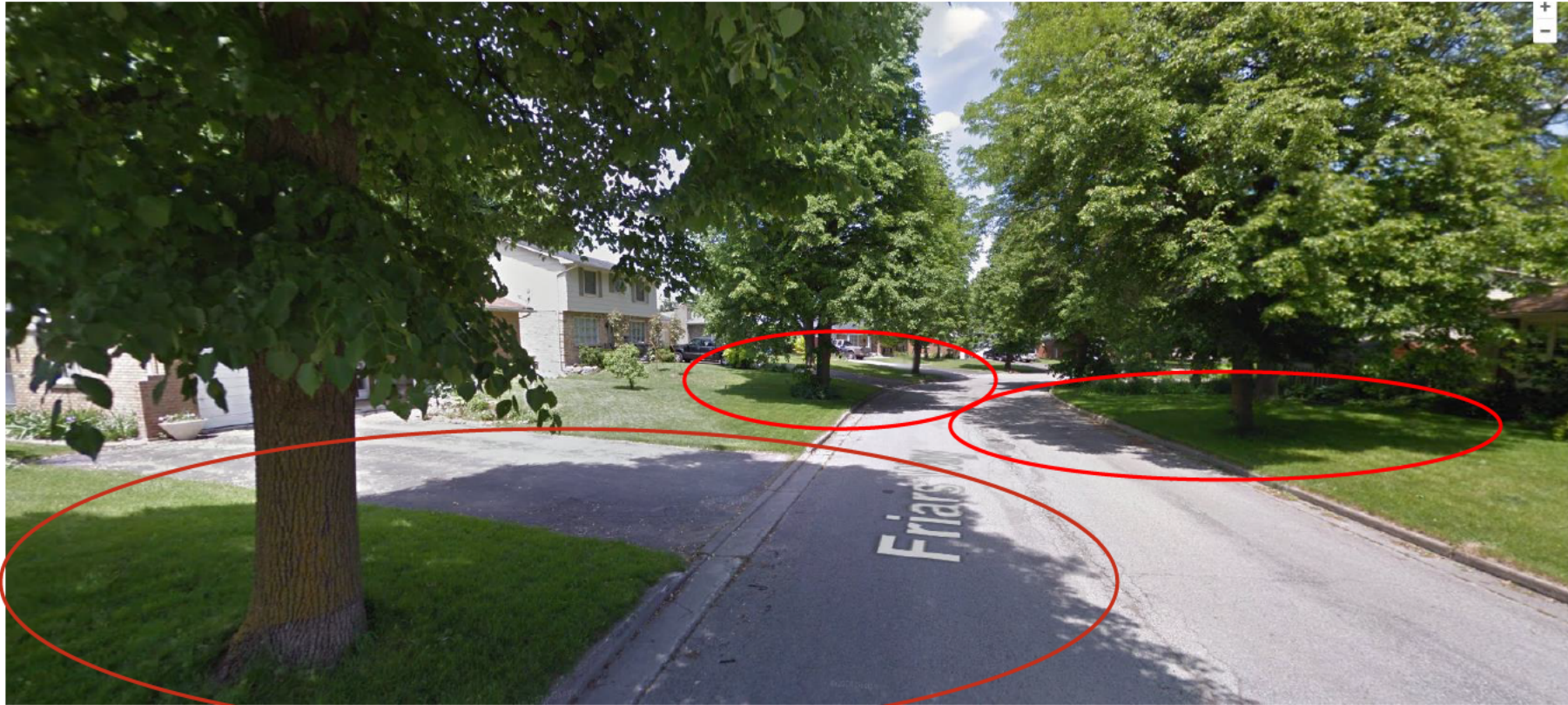
Anticipating The Forest City

The design of Sherwood Forest was intentional and considerate. Roads were designed around the topography and natural landscape and in order to retain **all** the trees in Sherwood Forest.

Friars Way is not a through road.

Trees were central to the design of our neighbourhood.

Image:
“Compare Sherwood Forest & Orchard Park”
Marketing Brochure



My view of Friars Way in the summer

Note the shade provided by the trees
The tree on the left is my boulevard linden.



SHERWOOD FOREST PARK
 7 Annadale Drive, London ON

New Neighbourhood Park – Design Concept

- Playground with Slide and Swings
- Concrete and Asphalt Pathways
- Open Green Space
- Preserved and New Shade Trees
- Seating Areas
- Pollinator Garden

City of London Staff Contact:

Stephanie Wilson
 Project Coordinator, Parks Planning & Design
 Parks & Recreation Services

P: 519.661.CITY (2489) x 1871
 stwilson@london.ca

● Denotes existing tree to remain.

Please note that new tree quantities and locations are approximate.



Introduction

STRENGTHENING our Community

OUTCOMES:

- Londoners have access to the supports they need to be successful.
- Londoners are engaged and have a sense of belonging in their neighbourhoods and community.
- Londoners have access to the services and supports that promote well-being, health, and safety in their neighbourhoods and across the city.
- London's neighbourhoods have a strong character and sense of place.



From the
2019-2023
Strategic Plan
of the City of
London



Please find a
BETTER WAY:

a design that meets a
variety of priorities

- that retains our
shared assets, the
TREES
- AND allows for greater
accessibility for all

[consider alternatives to
traditional concrete
sidewalks]

Thank You!

Therese Hutchinson,
185 Wychwood Park

A rate payer

A Geographer and Environmental-Health Researcher

A Member of Sherwood Forest Community (17yrs, 2 kids, 1 dog [licensed])

A Climate Catastrophe Conscious Human

And, I identifying as a Woman and Girl (She/Her)

Hello, I am Therese Hutchinson.

City Policies Referenced in Support of the Proposed Project

- Strategic Plan: Building a Sustainable City
Safe London for Women and Girls
- Smart Moves Transportation Master Plan
- Climate Change Emergency Declaration
- Renew London Construction Program
- London Plan/AODA

Policy not Referenced: City of London Cycling Master Plan
City of London Asset Management Plan

Pending Policy not Referenced: Climate Change Emergency Action Plan
Climate Change/Severe Weather Adaptation Strategy

I believe that proposal to install sidewalks in Sherwood Forest, and across the city, is based on incorrect interpretations of city policies, in order to justify a default sidewalks policy.

A fulsome review of the policies used as a rationale for building sidewalks shows that they:

- don't actually require sidewalk installation,
- don't limit options to exclusively sidewalks, and
- in some cases policy doesn't even support the installation of sidewalks.

The Report cherry picks policies that appear to support the default decision, while ignoring policies contrary to it. Some relevant policies are not referenced at all in, and there are pending policies that will most certainly condemn it. I will try to demonstrate this, and why it is concerning.

Strategic Plan, Goal: Building A Sustainable City

Expectation (Addressed/Not Addressed)	Strategy Option (Addressed/Not Addressed)
Build infrastructure to <u>support future development</u>	Continue annual reviews of growth infrastructure plans to <u>balance development needs with available funding</u> .
<u>and protect the environment.</u>	Work with multi-sectors to finalize the <u>Climate Change/Severe Weather Adaptation Strategy</u> for London's built infrastructure. *
Improve London's <u>resiliency to respond to potential future challenges.</u>	Advance <u>sustainability and resiliency strategies.</u> <u>Prioritize investment in assets to implement the Asset Management Plan</u>

* Climate change adaptation or mitigation strategies will undoubtedly place a high value on the canopy for sever wind dissipation, shading, moderation of ground temperature, water absorption and retention, and most of all for their exceptional carbon sequestration.

The Report claims that the project is in line with the Strategic Plan Goal - 'Building a Sustainable City'. The Strategic Plan provides a specific list of Expectations and Strategy Options for achieving that Goal and presents them in table form like this, with Expectations listed on the left and recommended Strategy Options on the right.

Here, to show some examples, I have underlined in plain text Expectations and Strategy Options for that Goal that were addressed in The Report, and those **not addressed** are underlined in bold.

The Report cherry-picks from the Strategic Plan. It addresses only one of the listed Expectations - 'support for future development'. It then addresses the best Strategy Option to attain the Expectation- 'balance development and funding'. The Report claims that these policies justify the building of sidewalks during road work for cost efficiency.

However, by ignoring the remainder of that development Expectation which is 'and protect the environment' The Report fails to fully address the Expectation. Nor does it then address the Strategy Option - 'apply sever weather adaptation strategies', that would be relevant to the Expectation in its completeness.

Not reviewed at all is the Expectation - 'improve resiliency to future challenges', and its correlated Strategy Option - 'practice sustainability and resiliency strategies'.

If the Strategy Option, 'implement Asset Management Plan', had been examined it would have weighted forest infrastructure as the most important feature of a climate resilient city, and would have named retention of canopy as the only strategy for bridging our growing asset gap.

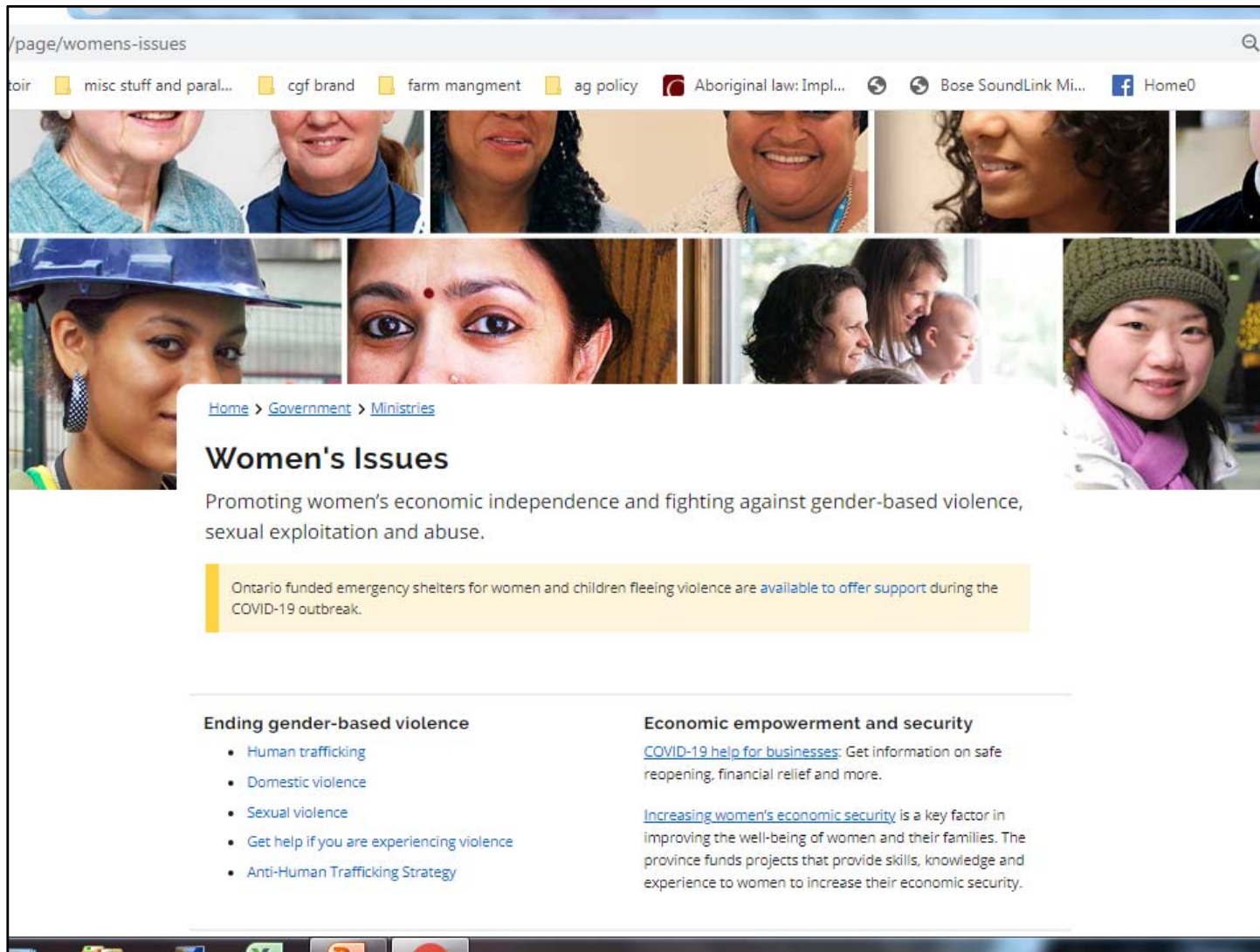
This kind of insufficient or inaccurate representation of City policy can be found throughout The Report.

Strategic Plan, Goal: Creating Safe Places for Women and Girls

Expectation (Addressed/Not Addressed)	Strategy Option (Addressed/Not Addressed)
<u>Decrease male violence against women and girls</u>	<u>enhanced road safety</u> <u>convenient and connected mobility choices *</u>

* The unique or noteworthy benefit to Women and Girls of adding pavement 1.5 meters away from the existing 'walkway' in Sherwood Forest, is unsubstantiated.

Here The Report identifies the Strategic Plan Goal of 'Creating Safe Places for Women and Girls', which lists only one Expectation - 'decreasing violence', and then offers up 'enhanced pedestrian safety' which is not one of the 14 Strategy Options offered in the Plan.



The provincial website on Women's Issues shows gender based violence including : trafficking, domestic and sexual violence, and economic dependence as the foremost women's issues. These, not the implementation of a default sidewalk policy, are the objectives that our city proudly intends to address in the Strategic Plan.

Smart Moves 2030 Transportation Master Plan

Expectation (Addressed/Not Addressed)	Strategy Option (Addressed/Not Addressed)
walking for everyone	<u>Infrastructure/safer cycling routes to rapid transit corridor</u> ✱
access to transit	<u>Traffic calming</u>
<u>Viable choices through all modes of travel</u>	Provide a <u>high quality urban environment.</u>
<u>More attractive travel choices</u>	<u>Balanced street design/</u> Contain area allocation for cars

✱ Upgrading of on-street cycling routes is identified as the most transformative option from a list of 21 possible catalysts for improving active mobility.

Reference to the Transportation Master Plan doesn't mention 'cycling objectives', which are prominent throughout the Plan. Cycling is also specifically referenced on the City's Climate Emergency Declaration website, and there is a London Cycling Master Plan.

Sherwood Forest is a prime target for cycling or shared-use infrastructure:

- It's a do-able commute to key economic nodes,
- There is quick access the BRT,
- There are links to bike paths on the east and west sides of the neighbourhood.
- We are an active cycle community

But cycles don't use sidewalks, the default policy, so those Expectations and Strategy Options are not considered.

Climate Change Emergency Declaration

Expectation (Addressed/ Not Addressed)	Strategy Option (Addressed/Not Addressed)
Reduce carbon through <u>improved walking and access to transit</u> *	
	Reduce carbon <u>through canopy protection</u> , and moderation of heating and cooling
	Focus design on <u>11 year time line</u> for maximum mitigation.

no evidence in the proposal of improved transit access in context of Sherwood Forest, and no evidence of existing walking impediment in Sherwood Forest (see delegate testimonials)
*

The reference to the Climate Emergency Declaration is too complex to unpack. The project favours a theoretical gain in mobility above the measurable value of canopy protection, in the face of the City 'Declared' 11 year time line to avoid catastrophe. The pending Climate Emergency Action Plan will condemn any loss of canopy in that 11 years. This project is dramatically unaligned with the current Declaration time line and directives, and should be subject to forthcoming guidelines.

Request to City Works Committee :

- That Sherwood Forest be exempted from the proposed sidewalks.
- That all of the proposed work be reconsidered in context of current policy, and forthcoming structural and policy changes that will directly influence the analysis.
- That the potential for a model or alternative planning approach be examined.
- That the CWC encourage Council to request the provincial government to ensure that assisted mobility devices meet standards for comfort and street safety, for the protection of citizens who use them, (or similar, consistent with Accessibility Community input).

In conclusion:

I have shown some examples of how The Report is not a credible and sufficient policy justification for the proposal, in Sherwood Forest. I am concerned that the misinterpretation or misapplication of policies will lead to your endorsement of a works proposal that is not consistent with city priorities. For this reason I request for your consideration.

Presentation at the City of London Civic Works Committee



Greg Pavlov

43

March 15, 2021



Abbey Rise + Scarlett Ave connection

- Quiet short street on a hill, only local vehicles
- Accessible street, people from the neighborhood like to walk on it
- Proposed sidewalk is by the curb, but still many trees are affected
- Majority of residents signed the petition; no one spoke in favor of sidewalks
- In agreement with presentations by other Sherwood Forest residents₂

Design to meet a variety of city's priorities

We are calling for the City of London Civic Works Committee and the Council to

- Implement the ***best management practices*** (alternative traffic control and engineering solutions) to minimize tree loss
- Take into account the unique characteristics of our neighborhood, desires of its residents, and the relevant data.
- Keep in mind the variety of the city's priorities as stated in city's strategic plans

Design to meet a variety of city's priorities

- Our concern is that the current plans, approaches, and communication of rationales for decisions could be inadequate.
- There are cases of recent road reconstructions that lead to irreversible environmental damage.
- On the other hand, there are recent examples of sensitive design that balanced everyone's interests and priorities.
- ***We hope the plans of reconstructions of our roads can be updated to become examples of success.***

Design to meet a variety of city's priorities

Here are some ***possible measures*** to reduce the number of affected trees without compromising safety of the people:

- Allow parking only on one side of the road
- Consider making some streets one-way for traffic
- Dedicating a portion of the street width to pedestrian/wheelchair traffic along with proper signage and markings on the street that would enhance the safety of those with mobility / disability issues.

Design to meet a variety of city's priorities

- To protect the roots of mature trees that are close to the curb and susceptible to root damage from the curbs by hand instead of using a curb machine
- Consider widening the road for safety but not at the detriment of harming the mature trees
- Consider transplanting some trees instead of cutting

Thank you for your attention!

Doncaster Place Road Reconstruction:

The case for sidewalk exemption and
protection of legacy trees



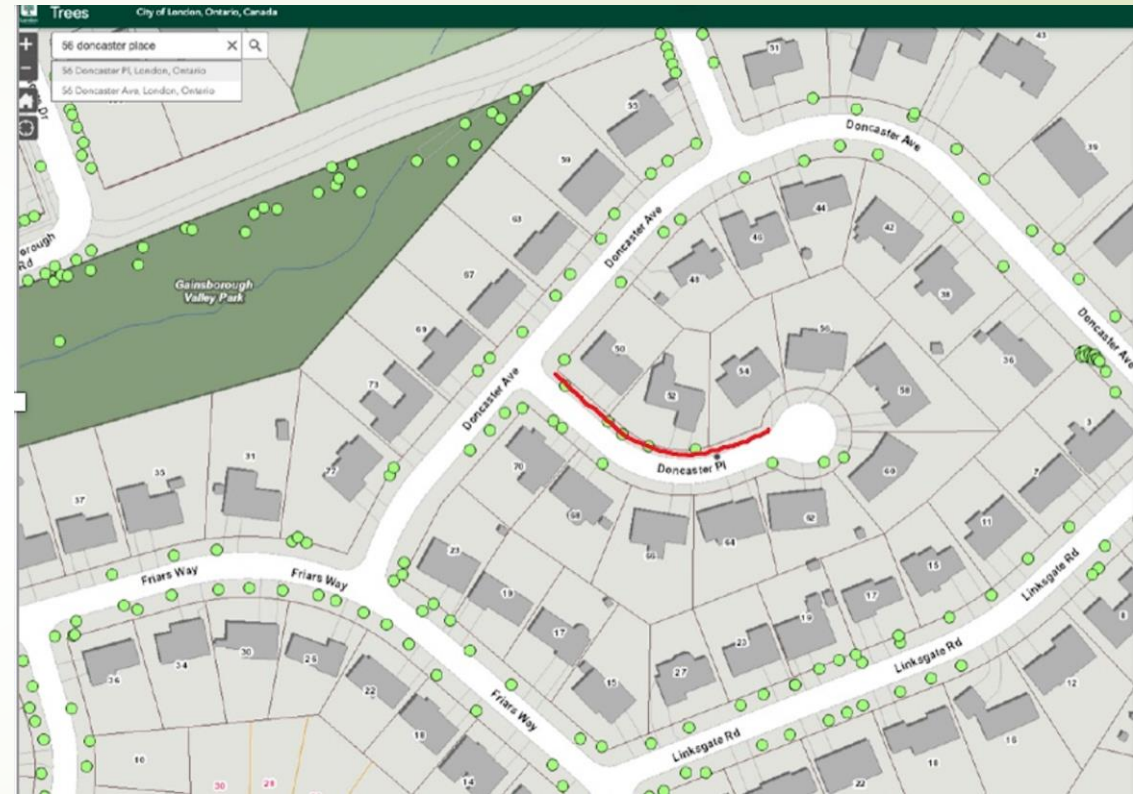
Lila Kari

Doncaster Place
Sherwood Forest
London



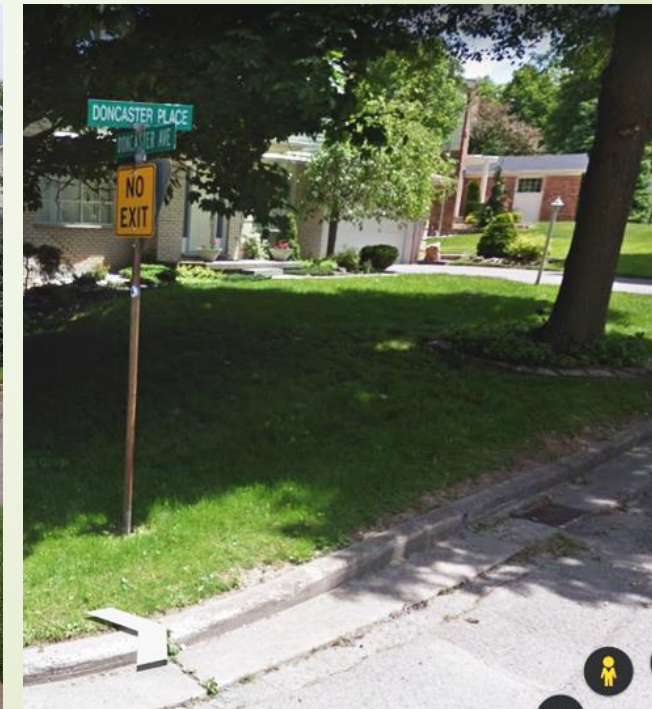
Doncaster Place Area Map

- A dead-end street with **11 houses**
No traffic except residents & their visitors
- “Doncaster Place [et al] are dead-end court-style streets, they have no connecting links to other destinations. **These types of locations are normally *not* considered for a new sidewalk.**”
[CWC Report, 2021]
- Proposed disconnected 1-side sidewalk, “serving” 3 houses, is not needed
- **Consensus:**
All residents signed the no-sidewalk
“**Save Sherwood Forest Trees**” petition
(1 no-show)
- Doncaster Place sidewalk benefits no one
- Trees benefit everyone



Through Our Eyes

- ▶ “[...] other areas prize their historic buildings and celebrate other aspects of their neighbourhoods, but for the residents of Sherwood Forest, it has always been our mature trees, surrounding nature, and the Medway Valley ESA.
- ▶ “We have never encountered any issue of safety, any barrier to accessibility, or any need for a sidewalk.” (*Doncaster Av. resident*)



A Tale of Two Cities

- City of **London** downtown (top) or City of **Waterloo** downtown (bottom)
- A planted sapling per mature tree is *neither* a full replacement (short-term), *nor* a guaranteed replacement (long-term)
- To fully replace a 50-cm wide tree more than 1,000 saplings are needed [CityGreen,2011]
- Replacing the 50 mature trees that would be cut down in Sherwood Forest would require planting 50,000 saplings



Youth Petition

- ▶ 176 signatures *in addition to* adult resident petition (March 7)
- ▶ “There must be **a better way** without the need to remove beautiful, mature trees... **find one!**” (E-petition signatory)

change.org Start a petition My petitions Browse Membership Log in

Petition details Comments Updates

Save Sherwood Forest Trees (Youth Petition)


176 have signed. Let's get to 200!

First name
Last name
Email
London, N6B
Canada

Display my name and comment on this petition

[Sign this petition](#)

By signing, you accept Change.org's [Terms of Service](#) and [Privacy Policy](#), and agree to receive occasional emails about campaigns on Change.org. You can unsubscribe at any time.


Lori Watt started this petition to London Civic Works Committee

Petition Summary and Background Friars Way, Doncaster Place, Doncaster Place, and Abbey Rise are designated for road resurfacing, curb replacement, & catch basin repair in 2021. Design of this project is underway and currently includes the construction of sidewalks on these streets. In addition, the connecting links, the north side of Doncaster Avenue between Friars Way and Doncaster Place and the west side of Scarlett Avenue between Abbey Rise are designated for sidewalks.

A sidewalk will destroy many mature trees that shade & beautify our streets and are integral to climate change mitigation, it being noted that some trees will need to be removed due to other factors (disease, etc.). The character and of the neighbourhood will be drastically changed.

What Londoners Want

[ReThink London, 2013]

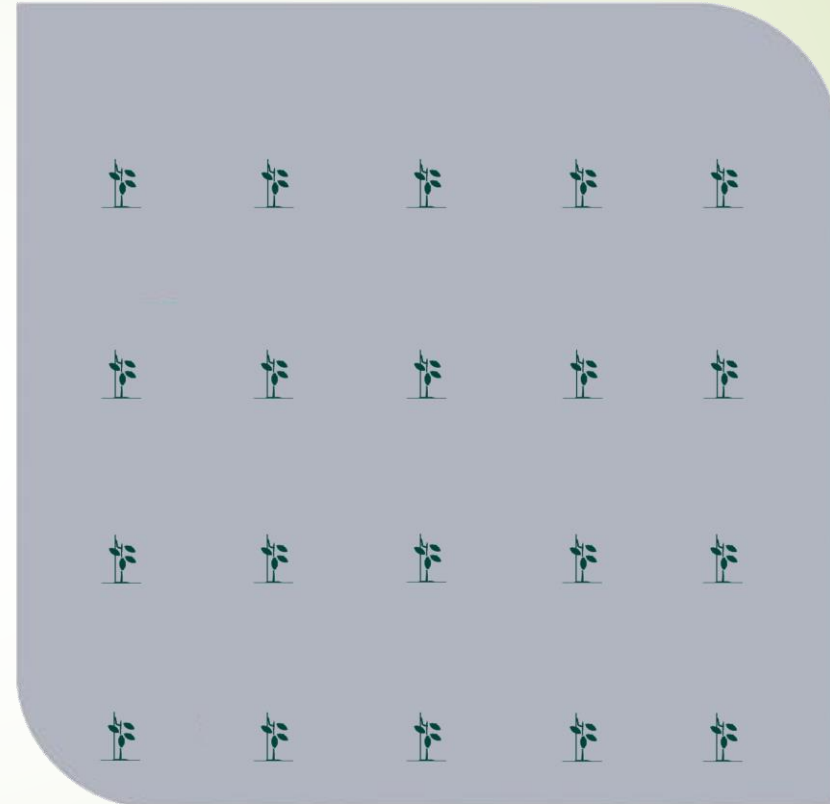
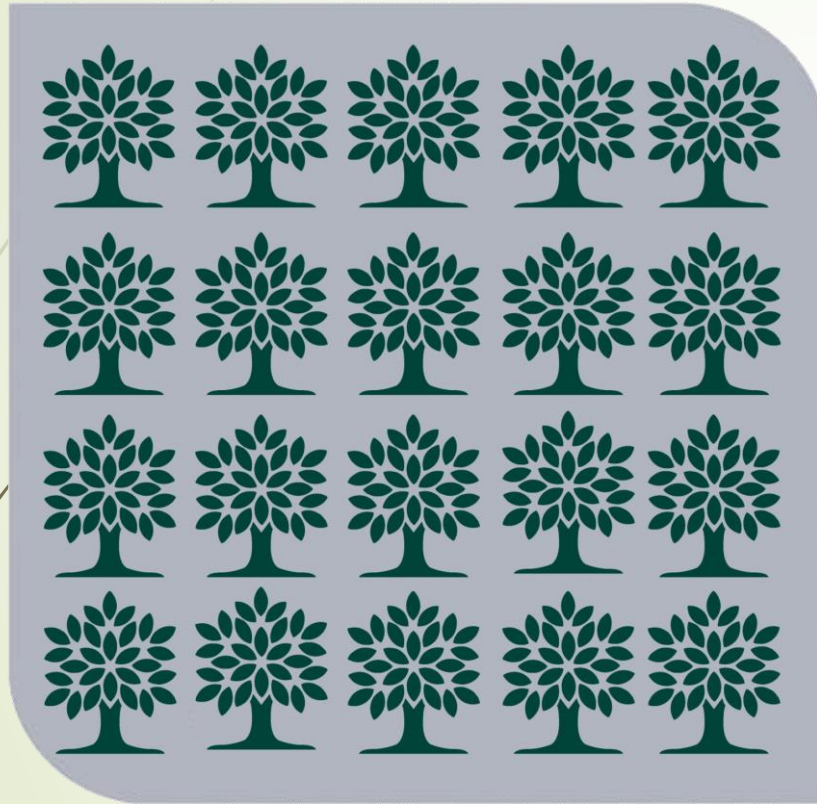
“A City with an abundant, healthy urban forest that truly reflects our brand as **The Forest City.**”

“A City that celebrates, practices and encourages [...] the preservation of natural heritage.”

“A City that grows in responsible ways that protect our resources.”



Will London Remain the Forest City?



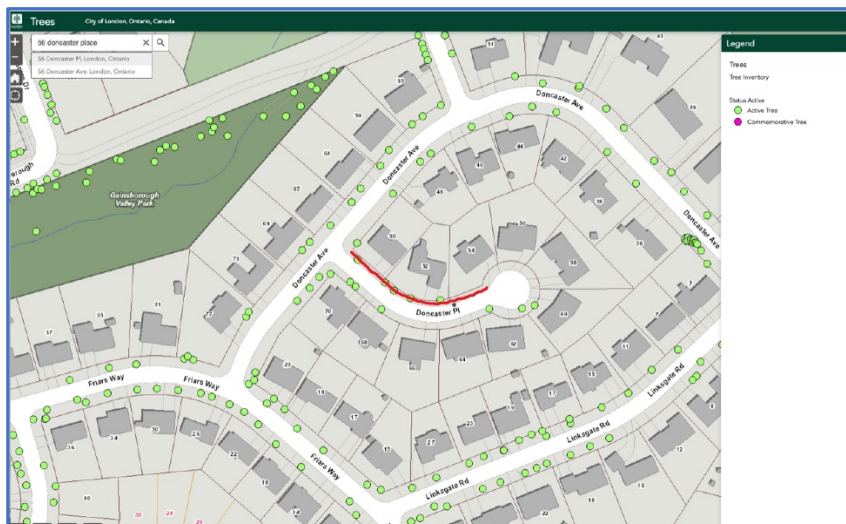
Doncaster Place residents respectfully ask the City for a sidewalk exemption, and for the protection of its legacy trees during road reconstruction

Doncaster Place Road Reconstruction *The case for sidewalk exemption and protection of legacy trees*

Lila Kari

(A) Reasons why a sidewalk on Doncaster Place is neither justified, nor useful:

- 1) Doncaster Place is a 11-house cul-de-sac, with absolutely no traffic except its residents and their visitors. The amount of traffic is almost certainly only a small fraction of that of Runnymede Crescent, a street in the same neighbourhood for which we understand a sidewalk exemption has been warranted. We estimate the vehicular traffic to be less than 10 minutes per day in total.
- 2) The proposed sidewalk would “*serve*” **only 3 houses** of the 11 houses on the street, and the residents in all three of those houses oppose the sidewalk project. This proposed project could actually be argued as *decreasing* the quality of access to those houses, by virtue of no longer having the solar protection provided by the mature trees' shade. For most houses a new sidewalk would now require two street crossings.
- 3) The February 9, 2021, Report to Civic Works Committee states that “Doncaster Place, Culver Place, and East Afton Place are short neighbourhood streets that will be fully reconstructed in 2021. They have no existing sidewalks and are dead-end court-style streets, they have no connection to other destinations. **These types of locations are normally not considered for a new sidewalk.**”



Doncaster Place sidewalk would destroy half of the city trees while providing no benefit.

Pedestrian and wheel chair traffic would require as much time on the road as not having a sidewalk due to street crossings required for use.

- 4) The removal of the trees would negatively impact the residents of all 11 of the houses. From the notice we received on February 11, 2021, it appears that the only reason for tree removal is for sidewalks. Tree removal is not necessary for the other aspects of the proposed project.
- 5) The expenditures incurred by sidewalk construction are wasteful, and do not meet any present need, outside that of the construction contractors and tree-removal contractors involved.
- 6) The Doncaster residents consensus view is that a sidewalk is not needed, and that the highest priority should be given to mature tree preservation and protection during road reconstruction.
- 7) All residents, as well as some former residents (1 no-show), signed the neighbourhood “Save Sherwood Forest Trees” petition, with over 300 signatures to date.

(B) Reasons why preservation of mature trees is crucial and should be prioritized

(on Doncaster Place and on the adjacent Friar’s Way, see map)

- Mature trees are irreplaceable in the short and medium term. A 50-year tree cannot be replaced with a sapling, and *transplanting a mature tree can cost upwards of \$500,000 per 50-inch caliper tree.*
(<https://www.parksandrecbusiness.com/articles/2015/01/30/moving-large-trees>)
- A 100 year old mature tree cannot be replaced with a single young tree, but rather would require planting of "2,000 saplings, each with a tree top volume of 1 cubic metre in order to compensate fully for **the loss of the tree. The cost of this would amount to roughly \$150,000.**" (<https://citygreen.com/blog/how-much-is-one-mature-tree-worth/>)
- Replacing the 50 mature trees that would be cut down in Sherwood Forest for beside-the-road sidewalks would require planting 50,000 saplings
- Other municipalities, such as the City of Waterloo, have attempted to “green” their city, by planting of young trees,. The results have been mixed at best, with many saplings simply not surviving, and the remaining ones not thriving.
- The effect of mature trees on air quality is well documented, and their removal would negatively impact air quality measures, including the particulate matter level, *disproportionately affecting those with respiratory disabilities and the elderly.*
- Youth in our neighbourhood started a companion petition “Save Sherwood Forest Trees” with over 175 signatures to date

<https://www.change.org/SaveSherwoodForest>

Youth quote: “There must be a better way without the need to remove beautiful mature trees... find one!”

- Other municipalities value their mature trees. In 2017, the City of Houston, Texas, moved (rather than demolish) 60 large trees from Emancipation Park at a cost of \$1.25 million
<https://www.kci.com/resources-insights/innovator/emancipation-park-celebration-freedom/>
- Tree transplanting & moving services exist in Ontario (Davey Tree, Douglas Wood)
Moving one 50-cm width tree, if successful, would cost \$40,000
<https://www.parksandrecbusiness.com/articles/2015/01/30/moving-large-trees>
- Moving 50 large Sherwood Forest trees would cost ~2 million dollars
- **Incompatibility with London as a “Forest City”**
Removal of mature trees, in spite of significant public opposition, is directly at odds with the goals of London’s “Million Tree Challenge” initiative
(<https://www.reforestlondon.ca/million-tree-challenge>), and it would have a negative impact to the reputation and public image of London as the "Forest City”
- **The Rethink London Discussion Papers** clearly state Londoners’ desire to preserve the reason for their city being called “The Forest City”
<https://www.middlesex.ca/council/2013/june/11/B%203%20-%20CW%20Action%20-%20June%2011%20-%20REthink%20London%20documents.pdf>

Based on the above arguments, we hereby respectfully request an exemption from sidewalks for Doncaster Place and we request that no trees be removed or endangered during any road reconstruction project.

We are hopeful that we may have a dialog, albeit belated, that will result in a satisfactory outcome.

Respectfully Submitted,



Lila Kari
56 Doncaster Place

lila@uwaterloo.ca

lkari@uwo.ca

*Ontarians with Disabilities Act or Bill 125
is “An Act to improve the identification,
removal, and prevention of barriers faced
by persons with disabilities”*

“provide infrastructure that make all forms of mobility safe, attractive, comfortable, and efficient”

“streets should be designed to be inclusive and accessible so that road users of all ages and abilities are accommodated to the maximum degree possible”

Complete Street Design Manual – City of London

*We appose the assumption that
sidewalks in our neighbourhood will
increase our accessibility and improve
our safety.*

Sidewalk ridges, heaved sections due to frost and tree roots, as well as road to sidewalk dips, make walking uncomfortable, and often very difficult.

“I find it's very hard to use a wheelchair on a sidewalk - it is much easier on the road”

Resident, Hampton Crescent

“They obviously don't know what it's like to use a walker on a sidewalk”

Resident, St. Anthony Rd.

During our snowy seasons sidewalks can be treacherous, forcing users onto the roadways.

“Cars go too fast in Hazelden North (which has sidewalks) - they don't expect me on the road”

Resident, St. Anthony Rd.

*Reality:
We live in a
city with
months of
snow and ice.*



St. Anthony Road:

- *is plowed and salted frequently,*
- *it's pavement is smoother and melts faster*
*... making it more **accessible** and **comfortable***
than sidewalks.

Motorists expect pedestrians on the road in this subdivision, and drive slowly and considerately.

“I feel perfectly safe walking on our street”

Resident, St. Anthony Rd.

“I feel completely safe on the road even in winter, ... in our neighbourhood everyone drives slowly - it is one giant pedestrian walkway giving us the freedom to choose how we use our road.”

Susan Mahipaul, St. Anthony Rd.

Disability & Health Navigator / Advocate

Kings College

Residents of Bartlett Cres. Oppose the installation of sidewalks

March 15, 2021

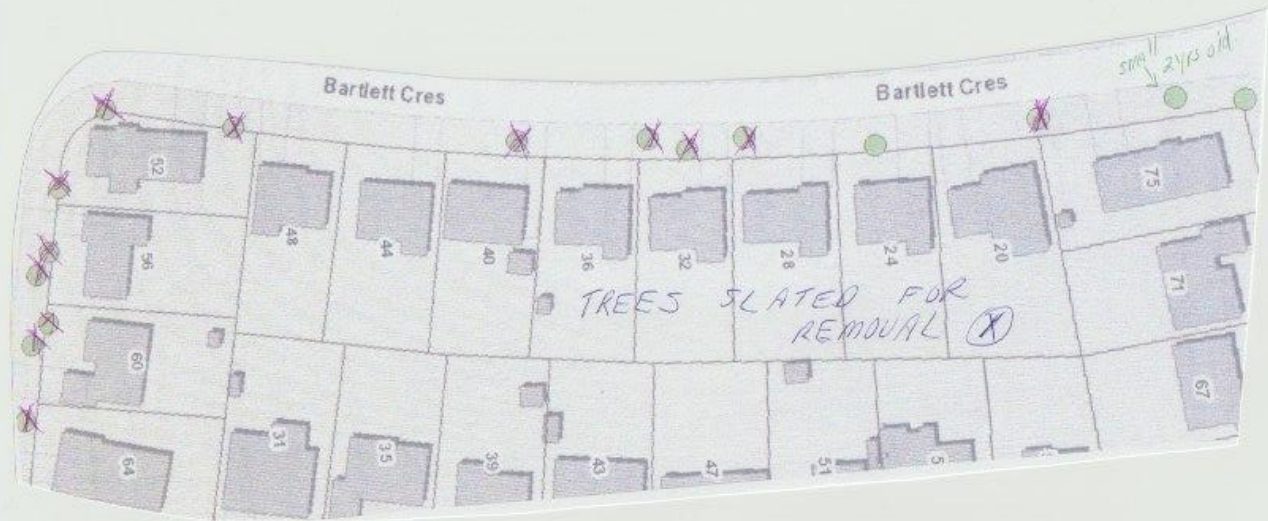




TRAFFIC



TREES





74



75



76





78

PARKING

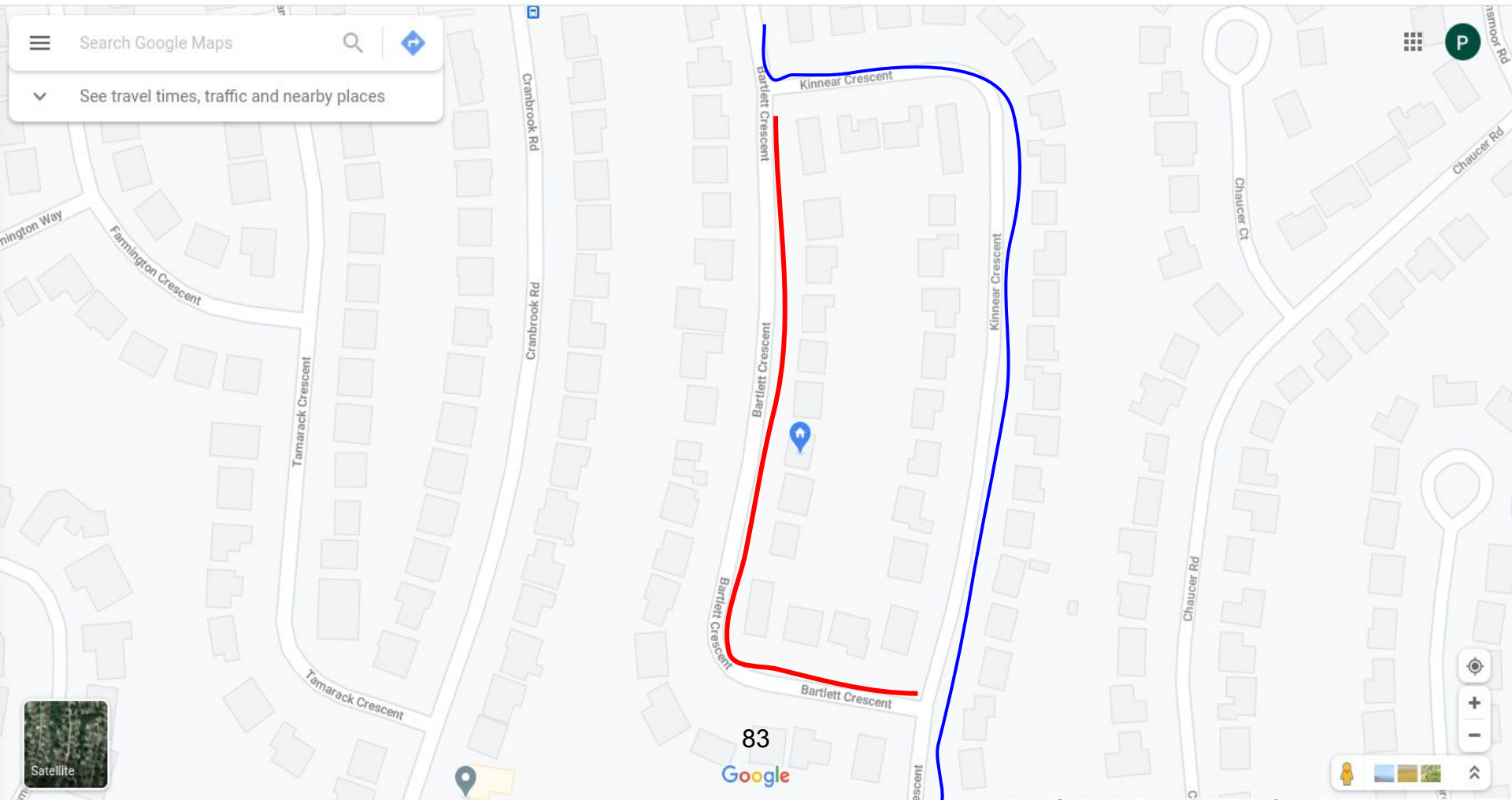




ACCESSIBILITY

☰ Search Google Maps 🔍 📍

▼ See travel times, traffic and nearby places



Satellite

📍 + - ⏪ ⏩ 🗺️ 📷 📱

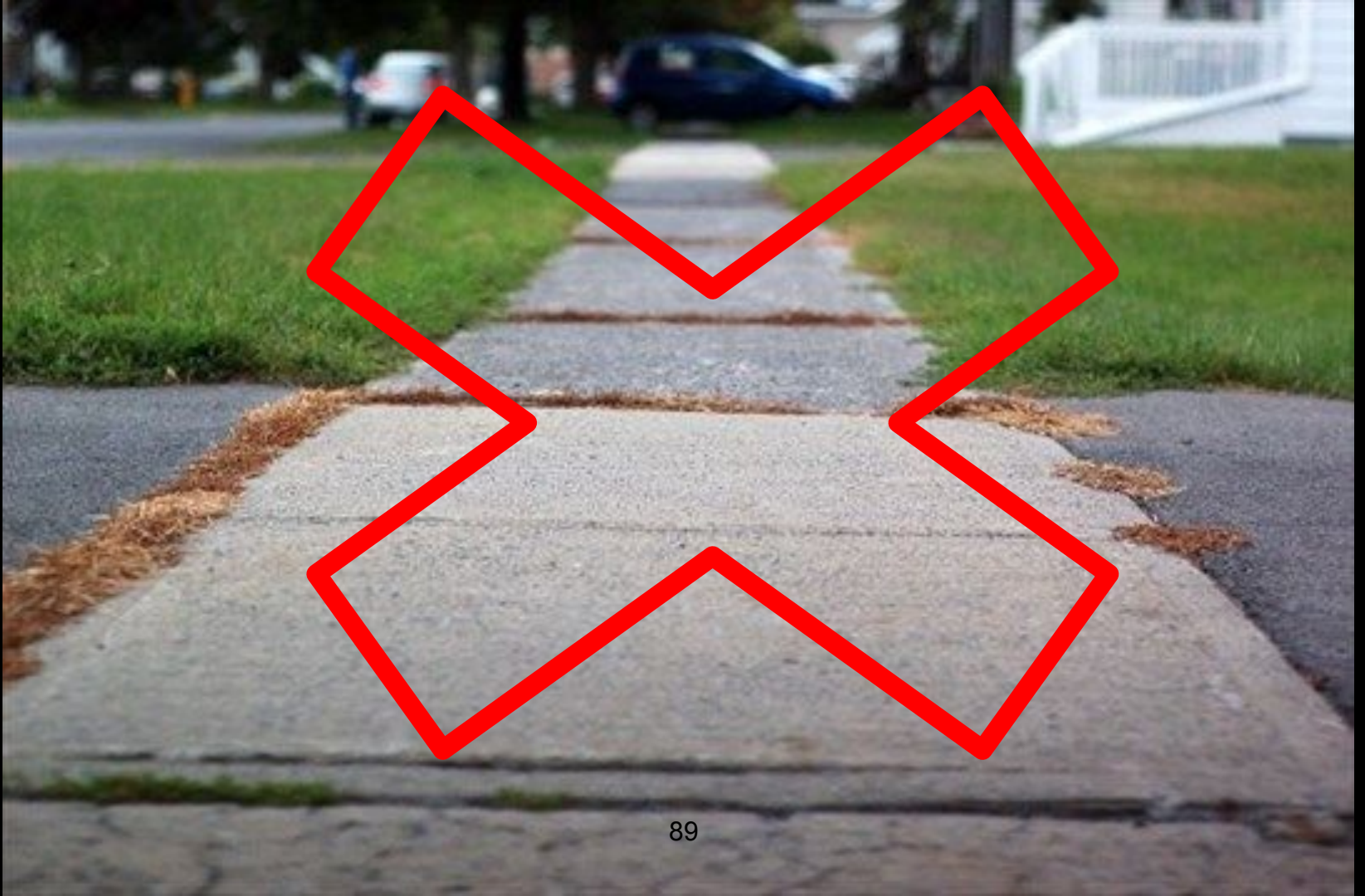


PROPERTY DAMAGE



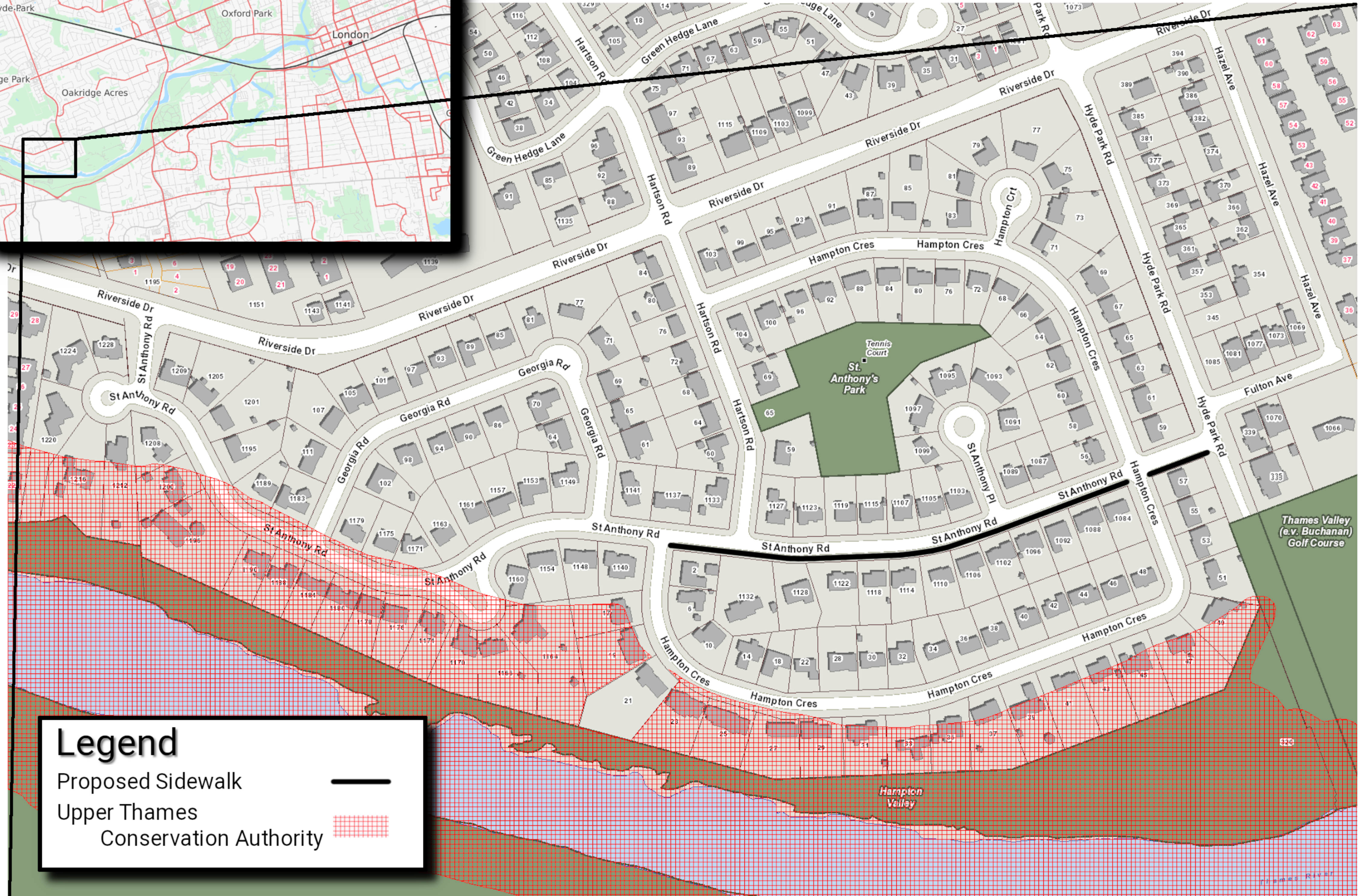
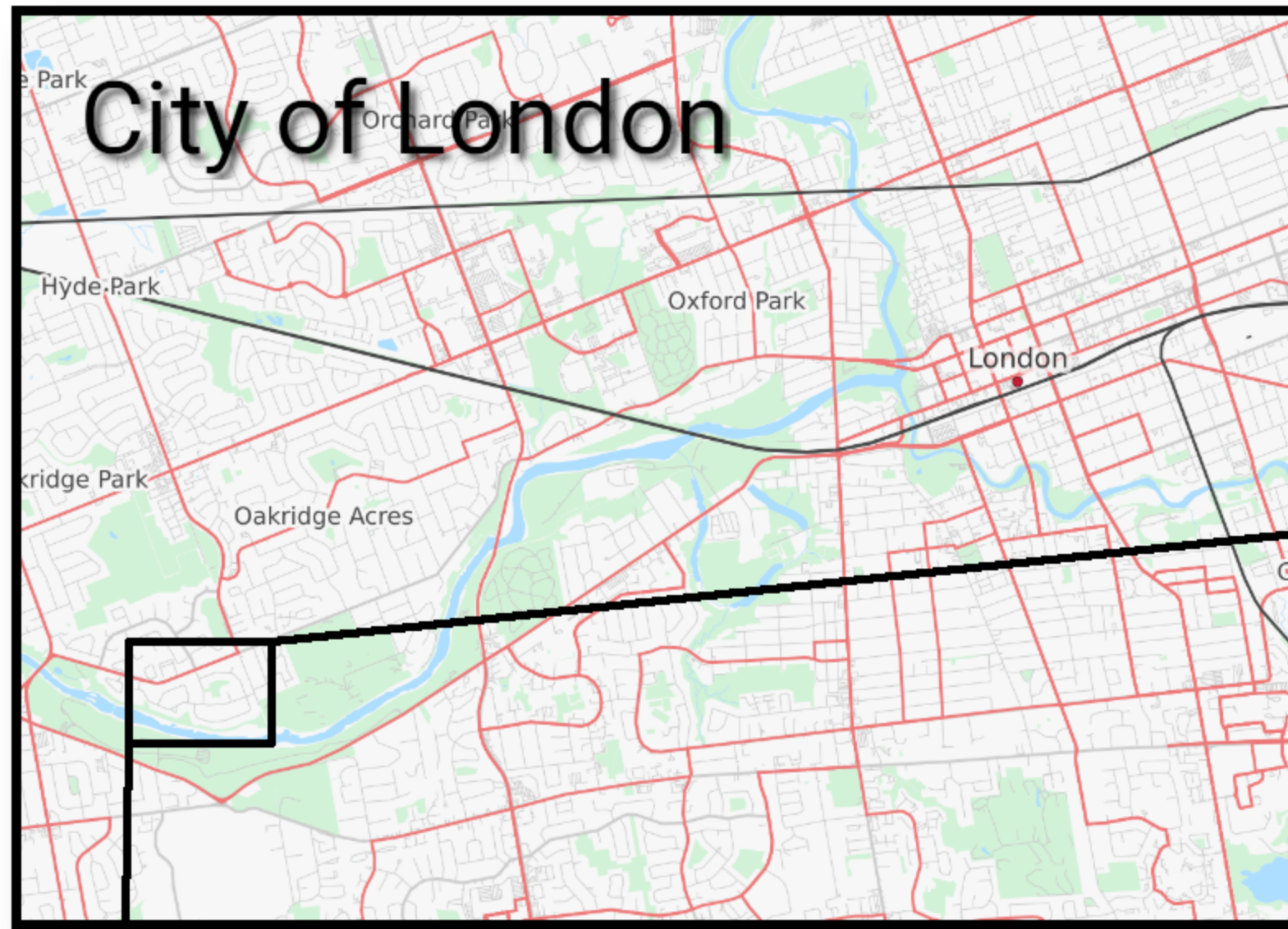
PRECEDENCE

PETITION





2021 St. Anthony Road Construction Hazelden Neighbourhood Map



Opposition in response to the proposed Imperial Road Sidewalk Project

In addition to the previous communications, we would like to include the following photos for review. These photos show firsthand some of the issues and concerns homeowners have in response to the sidewalk project proposed for Imperial Road.

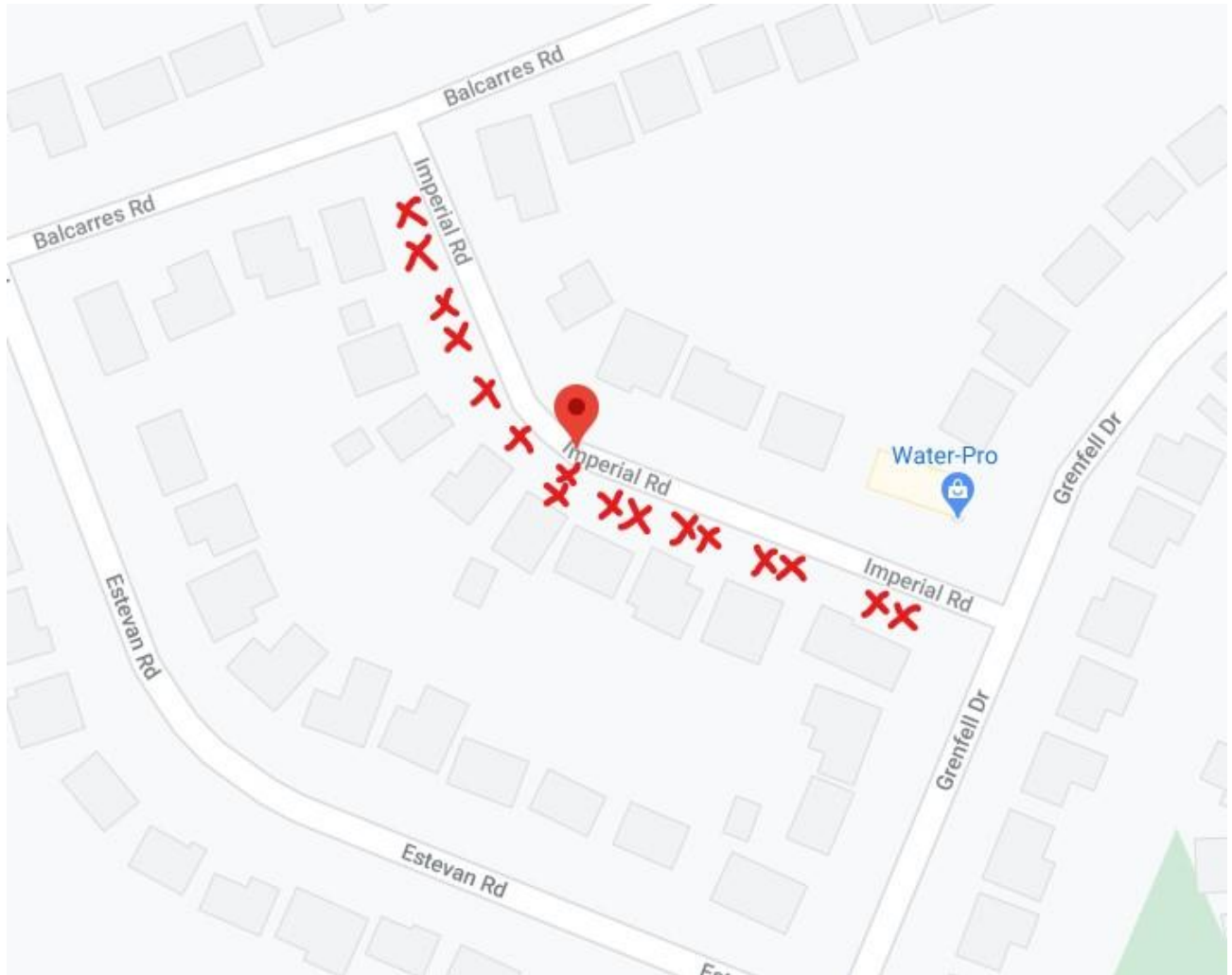
1) Parking

- a. Approximately 16 driveway parking spots will be lost on the west side of Imperial Road.
- b. Although there are only 9 houses on the west side, several homeowners require these spaces to accommodate multiple drivers in the home and employee use vehicles.
- c. Street parking will cause significant congestion on such a short street.
- d. Winter months will leave homeowners with no options.



Opposition in response to the proposed Imperial Road Sidewalk Project

Lost driveway parking on west side of Imperial Road:



Opposition in response to the proposed Imperial Road Sidewalk Project

2) Privacy:

- a. Homes built in the 1970's, like those on Imperial Road, were often designed with living spaces and bedrooms at the front of the house and garages to the side. The design of these homes in addition to front lot sizes, are not conducive to sidewalk placement without intruding on the privacy and safety of the homeowners.



Opposition in response to the proposed Imperial Road Sidewalk Project



Opposition in response to the proposed Imperial Road Sidewalk Project



Opposition in response to the proposed Imperial Road Sidewalk Project



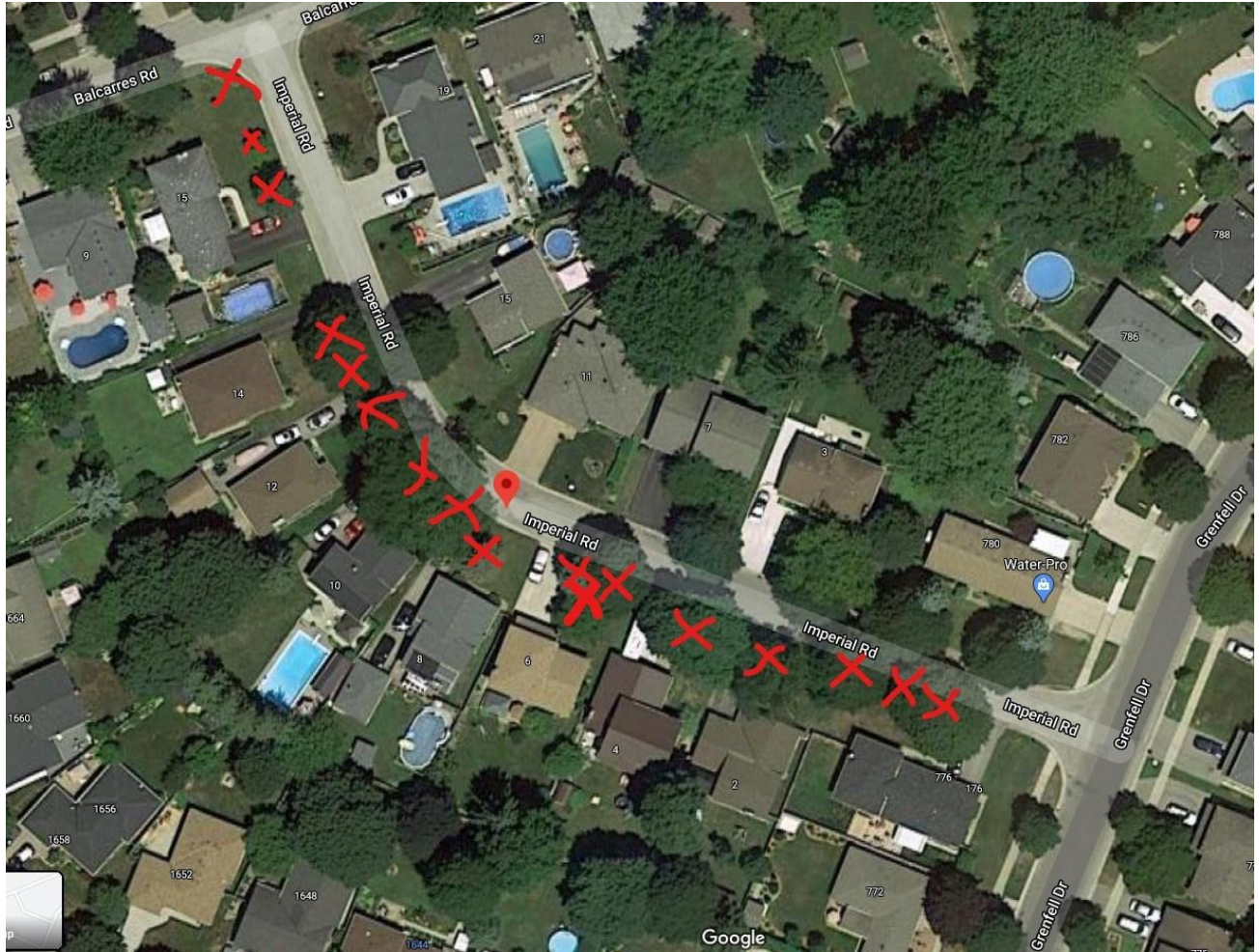
Opposition in response to the proposed Imperial Road Sidewalk Project

Sidewalk will be only a few feet in front of bedroom windows.



Opposition in response to the proposed Imperial Road Sidewalk Project

Loss of all but 2 trees on the west side of Imperial Road (as per the “Balcarres Imperial Design Sheet Set – draft” preliminary construction drawings received from K. Fairhurst on 12 February 2021):



Opposition in response to the proposed Imperial Road Sidewalk Project

Negative health impacts to a resident of the street (shared privately due to confidential paediatric medical information). Shared with M. Cassidy on 15 February 2021, with the Civic Works Committee 21 February 2021 and all ward councillors on 05 March 2021)



A photograph of a forest path. The path is paved and splits into two directions, one leading to the left and one to the right. The path is covered with fallen yellow and brown leaves. The surrounding forest is dense with green trees and foliage. The text is overlaid on the path.

Municipal decision making and trees, which path to take

Sometimes its easy to make a decision without really spending too much time on it. I think that the Municipal government should stop and think before pulling the trigger. It takes a village to raise a child, and a lifetime to grow a tree, lets make communities that do both.

Will Handler, Doncaster Place

Why are we in this position

- The AODA, Accessibility for Ontarians with Disabilities Act
- Municipal government is trying to increase accessibility for citizens so there are no barriers to people living, or working anywhere
- People love treed neighborhoods, being around natural habitat is good for human beings, of all ages

The goal of accessibility is worthy, but that does not make cutting down mature trees to put in a sidewalk always the best decision

What facts do we have

- In the Sherwood Forest neighborhood people walk on the street, that includes the streets with sidewalks such as Wychwood.
- People drive slowly, below the current limit, towards the center of the street.
- If you are on foot, or using some aid to locomotion, you have no problem getting around as it is.
- Its is not a car culture, people are outside.
- Trees provide a lot of shade. They make people want to be outside on the street.

What will adding a sidewalk do in this particular neighborhood?

- Possibly, give a small benefit for pedestrians not having to worry about cars
- Speed up cars
- Remove a lot of trees
- Make the street more bleak, less natural
- Increase AC bills for houses previously shaded
- Cost a lot of money

Is it worth it?

Removing the trees for a sidewalk is not worth it from a cost benefit analysis. The small benefit does not outweigh the financial cost, or the arboreal cost.

What could we do instead?

- Reduce speed limits
- Traffic calming measures
- Convert streets to single lane traffic with passing places, sidewalks, but keeping all the trees.

This is not a new problem.

“To cut down the trees or not to cut down the trees that is the question.” Harmalot, play from the 15th Century

Submission re Sidewalk Exemptions - Friars Way and Doncaster Streets

I understand that you strive to balance the interests of all community members in your review of sidewalk exemption requests. It is my submission that, on balance, an exemption should be granted for Friar's Way, Doncaster Place and Doncaster Avenue for the following reasons:

We are fortunate in London to have many distinct and beloved neighbourhoods. Be it the Woodfield Historical District with its cherished old architecture, or the Wortley Village with its small town atmosphere, Old North, Old South or Old East to name just a few - they all have a unique charm that is particularly treasured by their residents. That is true, as well, for my neighbourhood, Sherwood Forest. As the name would imply, our community's most valued and unique attribute is our mature trees and the adjacent Medway Valley ESA.

The Sherwood Forest neighbourhood was physically formed around the Valley, following the contours and elevations of the ESA and adjoining ravine. The streets were designed to meander and flow around this natural landmark. They are not direct, or high traffic, vehicle routes. They are not streets you would take unless you were visiting the neighbourhood. There are other roads in the area, with existing sidewalks, that provide straight, direct and faster vehicle transit.

Friars Way and the Doncaster streets were never imagined with sidewalks. They have never had, or needed, sidewalks. No one bought their homes on these streets with any expectation of sidewalks. As such, extensive boulevard trees were planted some 50 years ago and our neighbourhood is what LEDC describes in its promotional materials as the classic "tree-lined streets that London offers to newcomers".

We have a history on Doncaster and Friar's Way of successfully sharing the road - people know to expect pedestrians, bikes, strollers and mobility assisted devices. The streets are wide enough to accommodate all users safely. One of our neighbours, Clare, is a fixture in Sherwood. She is in her 80's and has lived on Friar's Way for decades. With her walker, she safely navigates a route around Sherwood almost daily. She is among the hundreds who have signed petitions and submitted requests to you that sidewalks NOT be added. The point is that there is certainly no existing barrier to accessibility, and we are happy with what we have.

In the over 30 years that I have lived in Sherwood, I have never heard of anyone who has encountered any safety concerns on these streets, and with the recent closure of our Sherwood Forest Public School we have arguably even less need of new sidewalks now.

Touching briefly on the 3 subject streets, you will note that Doncaster Place is a NO EXIT, circle of 11 houses, mature tree lined boulevards and a hilly terrain. The Report to CWC did not even list the potential tree losses - which would be massive - because the report itself notes that: "this is not the type of street where sidewalks are typically added." It would be unnecessary, unwarranted, and indeed unexpected to add a sidewalk on this tiny, dead end, street.

Next, Doncaster Avenue - this sidewalk is only being considered as a connection from Doncaster Place to Friars Way, and would only apply IF the Doncaster Place sidewalk is added. It is equally unwarranted, and you are again not given the tree loss information. Also, if Council is asked in the future to continue such a sidewalk along the balance of Doncaster Ave, you will have a significant safety challenge. Doncaster Avenue follows the Medway Valley cliff elevation and creates a road so steep at the approach to Wychwood that cars often cannot use it in the winter until the plow and sander have arrived. A sidewalk on this winding, steep, road would become a treacherous bobsled run in the winter. There is just no way the City could safely and consistently maintain it. And many of the boulevards along Doncaster Ave. are very pitched, so you are likely looking at retaining walls and considerably more property damage and expense just to put in a dangerous sidewalk that will only pose a future liability risk for the City. As someone who practiced law in London for over 30 years, I am telling you that an accident on such a sidewalk is not only foreseeable, but highly probable.

Finally, as to Friar's Way in the Sherwood Forest - As the name suggests, it is a curvy, tree lined, forest of a street. It is short, and the loss of 30 mature trees along it would render it unrecognizable. That is over one per boulevard, and these are not saplings - they are healthy, and many rare, old, trees. Leveling one side of the tree canopy on this street will literally gut the residents, and look ridiculously one sided. You are talking about the destruction of virtually every boulevard on one side of the street. How in the world can we brand ourselves the "Forest City" and be willing to devastate a neighbourhood so ?

The City policies aimed at protecting our environment and our tree canopies have to be considered in the balance. The City literally just finished augmenting the plantings in this very area. Any taxpayer would have a hard time understanding why you would destroy your own recent plantings to spend money on sidewalks that the community is begging you not to add.

Walkers, strollers and wheelchairs have safely coexisted on these streets for 50 years. All these users are represented among the many residents now imploring you to exempt these streets. You could instead consider posting a sign as you did in the Corley Dr. area which simply reads: "No Sidewalks - Watch for Pedestrians".

You have the authority to exempt these streets, as you did for our neighbour Runnymede. There is no law that is broken and no legal penalty attached to allowing the Sherwood Forest neighbourhood to keep its coveted trees.

London wouldn't level the historically significant buildings of Woodfield, or allow the construction of an industrial complex in the middle of the Wortley Village - We are simply asking the same protection for the Sherwood Forest - Please do not let your legacy be the massive destruction of the mature treescape that defines Sherwood.

In closing, we have all struggled this last year with the pandemic. Our neighbourhoods have been our salvation. Walking these streets with neighbours has been our antidote. It really, really, matters to the mental health of Sherwood Forest residents that we not lose our trees so drastically. The kids have had enough to deal with this past year - let's not compound everyone's agony by destroying their front yards. You will see a significant Youth Petition filed to "Save Sherwood Forest Trees" - it's important that we listen. We are the Sherwood Forest - until we are not. And that is now up to you. As Joanie Mitchell would say - let's not pave paradise !

Thank you for your time and your thoughtful deliberation in this matter.

Respectfully Submitted,

Michele Mannering LLB LLM
Professor of Law, UWO

Subject: Re.Sidewalks on Doncaster Place and Friars Way

I am a long time resident of Doncaster Place and am absolutely opposed to having a sidewalk installed, if only on one side of this short, dead end road, and making it that much narrower. Also, what would happen to that one sided sidewalk at the top of the road? Just peter out half way around the circle?! Not too appealing, I would say.

In doing all this work, I know that mature trees would undoubtedly be affected, which in turn, would affect the shade I enjoy in summer.

Furthermore, I cannot imagine how much more difficulty the snowplow would have than it does now.

Also, I am deeply concerned about the number of trees on Friars Way that would have to come down for the sake of a sidewalk. I refer to photographs shown by CTV news on Feb.9, of Friars Way ... is this not a true representation of what London is? The Forest City?

Another photograph shown, taken in Spring/Summer, when the trees have formed a shady canopy over the road. People who live here are passionate about the trees, they don't care about sidewalks, they walk freely on the roads, including those with canes, walkers, children, cyclists... traffic is most considerate and always has been. I recently drove past Wychwood and Lawson on Saturday, saw a lot of people walking, but none on the sidewalks, it's just too icy

So please, can we serve the people instead of policy, and review the policy in the interim, while the roads and catch basins etc. are repaired?

I trust that that you will take the sidewalk proposal for Doncaster place out of the plan for the reconstruction of this small, quiet cul-de-sac.

Margaret Box

Subject: Sherwood Forest Sidewalks

Hello,

I am writing to you today to voice my opposition to the planned sidewalks in the Sherwood Forest neighbourhood.

I currently reside at 76 Friars Way, and have lived here for almost 2 years now. One of the reasons my partner and I moved here was the beautiful tree-lined streets. It feels like you're in a movie when you drive down a shady street in the middle of a sun filled summer day. Since moving to this address, we've also come to enjoy the active lifestyle that many others in the community demonstrate. I have never lived somewhere where so many walk/run/cycle by in a day, regardless of the weather. I take our chocolate lab Charlie on long walks through the neighbourhood on a daily basis too, often enjoying the Medway Forest ESA, but usually, since it's a pre-dawn walk before work, just roaming the streets of the neighbourhood. I have never ever felt uneasy or unsafe with sharing the road with the vehicular traffic in the neighbourhood.

I am also a big believer in making cities more accessible for those of us not gifted with the same level of mobility that I enjoy. However, in this neighbourhood, the city doesn't seem to feel the same where sidewalks are installed. Our sidewalks have been completely unusable to anyone but the most able-bodied since the big snowfall at Christmas. I often find I'm forced to choose the road for our walks rather than the sidewalk so I don't risk injury in attempting to use them, and often see others who have made the same choice when I'm both walking and driving through the neighbourhood. To add insult to injury, one section of sidewalk hasn't been plowed a single time this winter, despite my repeated requests through the online portal to report snow not cleared. Each request has been marked resolved, with no action. And in the last large snowfall, more snow was actually plowed on to that portion of sidewalk by city plows. The section I'm referring to connects the Sherwood Forest Park and Annadale sidewalk/crosswalk to the sidewalk on Wychwood. Thank goodness one of the residents on Wychwood shovels very early allowing pedestrians to cross the intersection diagonally rather than at the marked crosswalk to access the sidewalk on Wychwood, even though at the current time you're taking the health of your knees and ankles in to your own hands if you attempt the sidewalk! If the city can not figure out a way to effectively clear sidewalks that already exist, in the way the roads get cleared, how can anyone advocate for more sidewalks that will be unusable for months of the year? We already have safe, well kept roads, and users of all kinds who are well aware of sharing the road, so why make the situation worse by adding improperly maintained sidewalks.

I implore you to reconsider the proposed implementation of sidewalks on the streets of Sherwood Forest based on the planned loss of mature trees in which the character of the neighbourhood relies on, as well as the lack of accessibility demonstrated within the existing sidewalk network in the neighbourhood, which has resulted in a sharing of the road by all users, without incident.

Thank you,

Laura Savage

Good evening, Ms. Cassidy. I hope you and your family are keeping safe and healthy.

As you may recall, I was in contact with you several times during the Grenfell Drive road construction project, most notably to raise my concerns over the removal of so many of the trees that lined both sides of our street. I am writing to you today to raise similar concerns, this time as they relate to the proposed removal of trees along Imperial Road.

I walk along Imperial Road (and Balcarres Drive) almost every day as part of my usual route around the neighbourhood, and for the last couple of weeks have been trying to make sense of the large yellow ribbons that have been tied to several of the large trees that align this beautiful street. It was not until recently that one homeowner put up a "save our trees" sign that we became aware of the City's intent. Earlier today, we took time to review the construction plan on the City's website and were quite upset at the number of trees that will be removed (essentially all of the trees along the west side of the street).

I appreciate that the City has a new requirement that streets under reconstruction that do not have sidewalks should have that omission addressed. However, I believe it is also important to take into consideration the impact that such an addition may have on the ambience of the streets involved, and also the importance of that addition to the street itself. There are less than 20 homes, combined, on both sides of this lovely street and the trees targeted for removal are large and mature. As was the case with Grenfell Drive, it is the trees that give the street its ambience, and when they are removed, there is something more than just a tree that is lost. Speaking from our recent experience, Grenfell Drive is no longer the same (and I don't just mean in appearance); it has lost its character. I would hate to think that same thing will happen on Imperial Road, especially given it need not happen. To be quite frank, there is no need for a sidewalk on that short street, other than because it is a City requirement. The vehicular traffic is very limited and sporadic at best, and most of it involves homeowners from the street or Balcarres. We walk that street almost everyday, and if we do encounter traffic, it is slow-moving and never a threat to pedestrians, regardless of the season or the weather. And this past summer, after Grenfell lost most of its trees, it was actually a relief to make the turn on to Imperial Road, to be able to spend a few short minutes under the shade of those old trees, after being baked by the sun on a Grenfell that was now treeless or covered only by small, recently planted young trees.

I understand that the City is trying to make certain that there are appropriate safety measures in place in all residential areas, and sidewalks certainly improve those measures. But I also believe it is important to consider all factors involved, rather than simply applying a policy, regardless of the differences between the residential areas involved. In the case of Imperial Road, in my opinion, the amount of traffic and the threat that traffic represents to the neighbourhood, and in particular, to pedestrians in that neighbourhood, does not equate to the physical and emotional damage that will be done to the character of that neighbourhood, and to its residents, if the trees are removed.

I would encourage you to discuss this project with the City's Engineering department, with a request that the road construction project (which, I agree, is badly needed) continue as planned, but that the addition of a sidewalk on the west side of Imperial Road, and the associated removal of trees, be abandoned.

Neil Fulford
802 Grenfell Drive

To Committee Members,

As a former resident of Sherwood Forest, I have had concerns about children's safety due to a lack of sidewalks in existing subdivisions.

As a current resident of Old Masonville and having had a similar problem with the lack of sidewalks for our kids to walk to school, and walkers of all ages, the solution to our problem was to reduce the width of the road and add a sidewalk all within the current width of the existing road profile.

The new sidewalks we added to Cherokee Road and Louise Blvd were installed without have to remove any existing trees.

I visited both Cherokee Road and Friars Way and see the same conditions and the same solution working in Sherwood Forest .

I am attaching my calculations for the experts on staff to peruse and comment.

Hope this helps solve some of our sidewalk issues.

Please acknowledge receipt of this email.

Thanks
Chester Pawlowski

COMPARISON BETWEEN NEW SIDEWALK ON CHEROKEE ROAD TO EXISTING FRIDRS WY.

PREP. APR.	INIT.	DATE
		3/1/21 / /

		2 CHEROKEE ROAD		3 FRIDRS WY	4
1					
2	20.75' ASPHALT ROAD	249"		304"	
3					
4	CURBS	20"		24"	
5	27	20"		24"	
6					
7	NEW 6' SIDEWALK	72"		—	
8					
9		361"	9"	352"	
10			DIFF.		

Mar 1, 2021

CWC Members and Councillors of the City of London;

Submission Re Sidewalk Exemption for Friars Way and Doncaster Ave

We are 30 year residents of Sherwood Forest subdivision. While our street address is on Doncaster Ave, our side yard is on Friars Way, where a sidewalk is proposed.

The issue before the Committee and ultimately Council, is one of competing City of London Policies (London Plan), By-laws (Tree Protection), initiatives (Urban Forest, Climate Emergency Declaration) and design guidelines of walkability (Complete Streets Design Manual). We appreciate the opportunity to provide our feedback into this decision making process by outlining our experiences within this specific community; although likely echoed throughout the City in areas with mature trees lining the boulevard.

Our submission to you is one that suggests the efforts to protect our mature Urban Forest should outweigh the desire for sidewalks. Our quiet internal roads are walkable and do not pose mobility issues.

The Case For Good Existing Mobility and No Need for Sidewalks

We moved to Sherwood Forest as a young family, precisely for the cultural heritage of a community designed with tree preservation and walkability in mind. The roads are wider than the typical street width outlined in the City Complete Streets Design Manual. The small local roads feed to the busier main streets with sidewalks within our community. These sidewalks lead you to local public schools, the shopping mall, transit and the University. Our kids grew up from being walked in strollers through our peaceful tree-lined streets, to walking to public school; all the while learning to ride bikes, play road hockey and visit friends. Their ability to do all these things safely, without sidewalks on the smaller local roads, speaks volumes of the good planning and design that went into Sherwood Forest and Orchard Park communities. We have seen the generation that moved in before us, transition to the need for canes and walkers, yet they remain undeterred in walking our local roads without sidewalks.

The greater mobility and walkability challenge is in the winter where existing sidewalks are barely walkable for able bodied people and virtually impossible for mobility devices. Also, one of the greatest impediments to mobility, is the efforts required beyond our subdivision to reach the mall and transit across Wonderland Road. The City should, with its limited resources, target the resolution of the more obvious and constraining mobility challenges first.

The Case for Retaining Our Mature Tree Canopy

In the London Plan, there is a full chapter on the Urban Forest. Its' guiding policies in Policy 389 speak to a City desire for an increase in tree canopy over time. It speaks to the urban forest be managed as infrastructure and trees are valued as important assets. The policies aim to ensure the structure and functions of the Urban Forest are not harmed. Most telling however is

“Policy 391.1 “Protect more – protect existing trees, woodland ecosystems and other vegetation”.

Removal of mature trees is contrary to these policy objectives. In the short segment of Friar's Way alone, 30 trees represent nearly 0.25 ha of Urban Forest to be removed. We suspect more trees will be impacted than suggested as boundary trees and private trees will also be impacted by sidewalk construction; and these have not been accounted for to date. Across the city, street tree removal would add up to a considerable amount of Urban Forest loss if street tree preservation is not considered at all.

The City of London Tree Protection By-law over-riding objective, as stated at the beginning of the by-law is:

“A by-law to regulate the injuring and Destruction of Trees and to encourage preservation and planting of Trees throughout the City of London”

A few other subsection of the by-law state;

“7.2; No Person shall injure or Destroy or cause the injury or Destruction of a Distinctive Tree, unless a Distinctive Tree Permit has been issued by the City Planner to permit Injury or Destruction.”

A distinctive tree is one that has “has attained a trunk diameter of 50cm or greater, measured from the natural ground level to 1.4m above the Natural Ground Level...” . The trees slated for removal are all 40 cm and greater, with many that meet the distinctive tree category.

“7.6 (c) If the Tree is a Boundary Tree, written consent to the application by the adjacent landowner”

There has been no discussion about impacts to boundary trees or privately owned trees near the boundary that will be affected by sidewalks. At this stage of the process, it is our feeling many more trees will be affected than suggested. Sidewalk construction is very impactful on tree roots as deep excavation is needed to provide a gravel base to prevent future heaving of the sidewalk.

The City of Toronto Tree protection zones within the Private Tree Bylaw suggests that for the trees along Friars Way, a 3 to 3.6m protection zone is needed beyond the trunk. While recognizing this distance is not needed on the street side of the tree since anchor roots have been constrained since the beginning, any work on the house side of the street will be substantially within this 3 to 3.6 m zone for City and private trees.

An Urban Forest Strategy was authored by the City in 2012. In that report, it valued the Urban Forest at more than 1.5 billion dollars. The carbon storage and sequestration was valued at 15.8 tonnes/ha/yr. The removal of approximately 0.25 ha represents a loss of nearly 4 tonnes/yr of carbon management for climate change. Furthermore, these trees provide shade to the homes and, as a result, provide even greater benefit in energy use reductions. Map 8 of the report actually used this neighbourhood as an example of good Urban Forest cover.

In addition, these Urban Forest Trees, by their very presence near the Medway Valley Environmentally Significant Area, provide added support to the wildlife that call the Medway Valley ESA home. We often see Cooper's Hawk, Red-tail Hawk and Red-Bellied Woodpecker, to name a few, perching on these trees slated for removal. Many evenings, Screech Owl are heard in these, and other street trees in the subdivision, as they move about on their hunting rounds.

International Society of Arboriculture has developed a system of valuing trees. This system is used in determining compensation for tree removals. A 45cm diameter tree (average size of tree for removal) in front of a house would be valued at \$28000 /tree. This represents an Urban Forest asset loss of nearly 1 million dollars on Friars Way alone.

Once all trees are actually evaluated for removal, including private trees, this number will be much higher.

In the City of London Climate Emergency Declaration, amongst the top five actions recommended are the encouragement of making more walking and cycling trips and make your home more energy efficient. Walking and cycling is prevalent on our local streets, without sidewalks. The streets of Sherwood Forest and Orchard Park have been designed for traffic calming and tree retention. Residents of the neighbourhood are in virtually unanimous agreement that the streets are very walkable given the low traffic volumes, wide streets and knowledge that pedestrians will be using the side parts of the road. We have seen people in motorized wheel chairs and aged people using canes and walkers on the streets, so the walkability in the neighbourhood is not limited to just able bodied people under current conditions. For energy efficiency, the trees slated for removal, provide shade to the homes, particularly the south facing ones. And as noted earlier, this shading provides for energy efficiency.

Walkability and Mobility Initiatives

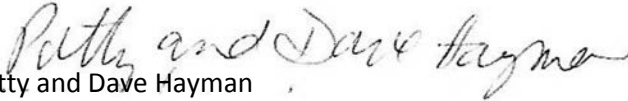
We recognize the driving force behind sidewalk construction in the City of London is to improve walkability and mobility. As residents of London, we too want our areas to be safe for mobility such that individuals requiring assistive mobility devices can get around and enjoy our beautiful leaf-lined streets.

However, the City has adopted a one solution approach to mobility. While sidewalks are absolutely necessary on busy streets, other options should be considered for low traffic settings such as Friars Way and in the other mature neighbourhoods in London.

It is our opinion, as long-time residents of Sherwood Forest, that the tree protection and preservation should be the defining principal in this decision. This approach will preserve the cultural heritage of our subdivision design, the Urban Forest and Climate Change Emergency initiatives. Sidewalks will not encourage more walking and cycling nor improve mobility in an already walked, cycled and mobile local road.

City Council should exempt this sidewalk plan, or at a minimum, put it on hold, until there has been more dialogue with residents. A mutual understanding of the goals for both the City and residents and more details on the construction plans and tree preservation techniques employed or could be employed are needed, to find the appropriate balance.

Respectfully yours


Patty and Dave Hayman
77 Doncaster Ave, London ON

cc. P. Squire

Dear Civic Works Committee,

I'm writing in support of the sidewalk plan in the City Building Policies.

Many of the letters and speakers on this issue will talk about safety, accessibility. Or mature trees, lawns being cut-off, and parking and driveways being reduced, but I want to mention a particular side-benefit of sidewalks: They bring your neighbours closer to your front steps. This leads to conversations, more opportunities to get to know your neighbours, more neighbours spending time at the front of their houses. This in turn, makes the street safer from crime. When there's more people walking and sitting out front, there's fewer opportunities for theft and vandalism.

Before I first moved to my street in 2015, one with front porches on most houses and sidewalks within a few steps of them, I didn't realize this, but within a few weeks I knew most of my neighbours just from sitting on our porch. Covid was bearable because we would chat daily from our porch with neighbours walking their dogs. Real conversations happened, not just yelling "Hello".

Now that I have kids, I know they are safer, not just because they are walking on sidewalks and not streets (especially in the winter, when they can't walk on lawns). But because there are always neighbours out there who are also watching out for them. Now I don't want to live on a street that's not pedestrian friendly.

The concerns about losing parking spots are valid. That can be a real loss. Perhaps allowing vehicles to park on the street side of the sidewalks on their driveways, and/or even sideways across a driveway would help mitigate that a little for those affected.

But on top of all the other benefits of sidewalks, they build tighter knit, safer streets.

Sincerely,

Jordan Klassen
77 Victor St.

Subject: [EXTERNAL] Sidewalks Issue

Hello,

My name is Skylar Franke and I'm a resident in the Coves area. I'd also consider myself an environmentalist and a lover of communities.

In regards to the sidewalks issue that's being debated, I think the answer is clear. Sidewalks are safe(r) ways to navigate communities and they are essential for supporting active transit, connecting neighbours, providing a physical barrier from cars, accessible by walkers and wheelchairs and they encourage exercise.

We need to be supporting active transportation at every opportunity because [Londoner's #1 emission source is people driving cars](#). While I love how mature trees absorb carbon, getting people walking on sidewalks also reduces emissions and makes our city more equitable. If we were really worried about mature trees, we would do more to prevent them from being clear cut in new development areas or for road widenings that don't incorporate transit or cycling lanes.

I'm also okay with a meandering sidewalk that goes around these trees - what a cool way to make everyone happy! Everyone's a winner! What a cool neighbourhood!

Plus - let's follow the London Plan. It's a good plan.

Thanks for your consideration and have a great weekend,

--

Skylar Franke

Coves Resident

Dear Mr. Van Meerbergen,

It has come to our attention that there is a proposal for the installation of sidewalks on Bartlett Cr., in Westmount. We are most concerned about the possibility of this occurring and would like to express our reasons for opposing this proposal.

First of all, Bartlett Crescent is a lovely street, with very little traffic. We have lived on this street for 25 years and we have never considered the need for sidewalks. Our children grew up playing ball hockey, tennis and other games on the street and they were rarely interrupted by traffic. Our neighbours and pedestrians feel safe walking on our street, without sidewalks.

Our second concern is the diminishment of the curbside appeal and the property value of our home. We have invested a great deal of time and expense in improving and maintaining our property and we take great pride in our accomplishments. Should a sidewalk be put in our yard, we would lose a beautiful cedar tree which stands over 25 foot tall and provides us with a great deal of shade. On our daily walks in Westmount, we often comment on how unfortunate it is that some properties have been severed in half by sidewalks and that we are so thankful that we do not have that situation, yet!

Thirdly, we are worried that with reduced parking in driveways, more cars will be parked on the street. This is a safety concern, especially when young children are playing on the street.

Another issue that may arise is the property damage that might occur because of sidewalk plows. We see the messes created on many of our neighbouring streets, when sidewalks are plowed. Often, the sidewalks are so poorly maintained that it is far easier for us to walk on the streets.

Our final concern is that the installation of sidewalks would require the removal of 9 trees on 13 properties on our little street. This would greatly impact the appearance of our street and its environment. Not great for our lovely forest city!

In conclusion, we are opposed to the proposal of sidewalks being installed on Bartlett Crescent. Surely, the city could find better use of funds being wasted on unwanted and unnecessary projects. We would appreciate information regarding whom else we should contact regarding this matter.

Yours truly,
Patti and Brad Traylen
40 Bartlett Cr.

Dear Members of the Civic Works Committee for the City of London,

I am writing in support of the request that the Council approve a motion to **not** build sidewalks on Friars Way, Doncaster Avenue, Doncaster Place, and Abbey Rise and use best management practices to minimize any unnecessary tree loss during road reconstruction.

I grew up at 23 Friars Way (at the corner of Friars Way and Doncaster Ave), I continued living there during my University education at Western, and I have visited the neighbourhood many times a year since then. An avid dog walker and runner, I have never felt unsafe in the neighbourhood due to the lack of sidewalks, and I have greatly appreciated the shade afforded to the streets and the houses by the abundance of mature growth trees. I would strongly urge Council to consider the long-term health of the neighbourhood that is supported not by cutting down trees, but rather by preserving what is there and maintaining as many trees as possible in their mature state. I know from first-hand experience how long it has taken for those trees to reach any height and shade potential, and I also know how many birds and other creatures depend on the trees year-round for shelter and nourishment.

As a resident of Toronto who does not own a car, I also have first-hand experience navigating busy streets as a pedestrian and cyclist. I fully support where sidewalks are necessary to protect residents from busy traffic. However, none of these London streets—Friars Way, Doncaster Avenue, Doncaster Place, and Abbey Rise—is a busy thoroughfare, and the urban nature of this neighbourhood is not likely to change, given the absence of a public school and any commercial business in its midst.

If Council firmly believes that safety is an issue due to traffic flow in the area, speed bumps might be a possible alternative to which the money currently earmarked for sidewalks could be directed. What is crucial, in my mind, is that the benefits of mature trees and unimpeded green space be carefully weighed against the permanent destruction of pockets of the “Forest City” that help protect the city’s lungs—and heart.

Sincerely,

Alison Kenzie

Subject: [EXTERNAL] sidewalks on Bartlett cres

I was informed by a neighbor that the City will be putting in sidewalks on the east side of Bartlett. This is the first I have heard of this.

First of all Bartlett Cres. Is a very quiet, safe neighborhood. There is very little traffic flow, which makes it easier for people to walk on roadway. Not having a sidewalk has not been an issue here as many people are out walking on a daily basis.

These are my concerns:

1. Noise and disruption to the area for a long period of time.
2. Single car garage homes will be left with only one parking spot in driveway. Property loss will impact parking greatly.
3. As we have a corner lot our property will be greatly impacted.
4. It creates more maintenance. Shovelling in winter. I am a senior and that is a lot of sidewalk to shovel. One of the reasons I bought this home was due to the fact there wasn't any sidewalk which meant less maintenance for me.
5. Annual property damage due to sidewalk plows. As it is the people plowing the roadway rip up our lawn in winter. The sidewalk plow just causes more issues as they cant do a very good job. Most of the people in the area who have sidewalks do not shovel them. They feel it is the City's responsibility. The plow makes it harder for people to get around on the sidewalk.
6. Reduced curbside appeal and property value.
7. Increased taxes.
8. Unnecessary removal of trees. Energy costs will go up due to loss of shade.
9. I have noticed that in winter where the city plow has done sidewalks, people with wheelchairs etc. Prefer to go on the road as the sidewalks are iced over or have been plowed and there are so many ruts etc. Now with sidewalks being put in on our area there will be parked cars on the street as the driveways will have been shortened which now leads the ones that go on the road unsafe.

Please pass this on to the committee who are making the decisions about this construction.

Thank you for your time.

Joyce & Wayne McGregor

Respected members of the Civic Works Committee
and all those interested in this matter,

I write in support of sidewalks across this city whenever and wherever possible.

By now, you've heard objections to new sidewalks on the grounds of loss to private property, loss of mature trees, and loss of control over one's street.

I'm not here to offer a point-counterpoint—the London Plan has already stated the case clearly in favour of more sidewalks after consulting with experts and citizens alike—I'm writing to ask residents living along affected streets to think about sidewalks in the same manner as they do the trees which they so (rightly) cherish...

Just as the best time to plant a tree is twenty years ago, the best time to make our neighbourhoods as accessible as possible is when they are first created. Unfortunately, that didn't happen here.

What you are faced with now is the opportunity to look toward the next twenty years and how you can work together to give future residents of your neighbourhood safer, more accessible means of transportation, recreation, and livelihood.

It's patronizing to suggest replanting new trees will bring you the same shade and beauty as the mature trees enjoyed now; but there will come a day when new residents will look back and have you to thank for the now-taller trees they and their children can enjoy from the sidewalks you paved the way for.

I'm also writing to ask Committee Members and Council to respect the largest civic public consultation in Canadian history and trust that today's hard decisions are building a better city for tomorrow's citizens. And, with respect, I'd ask that you implore our planners and engineers to explore alternative solutions to these particular situations (such as sidewalks that weave around the trees currently slated for removal) and double-down on the frequency (and quality) of our current sidewalk maintenance over the winter months. We're a city known for testing new things, I believe it's in our DNA to find creative ways to address the concerns of these specific plans.

Thank you to everyone here—whether resident or public servant—your love for where you live is obvious and with that in common we can surely find a path forward.

James Kingsley
Resident, Old South
Member, Good City Co.
Editor, The Localist

Councilor Paul VanMeerburgen

I received a hand delivered notice from a neighbour on Feb 13 warning us of the proposed sidewalk construction on Bartlett Cr in the upcoming 2021 road reconstruction. I also received a hand delivered notice (from you?) on Saturday Feb 13 providing additional information on the proposed Bartlett Cr sidewalk works.

I wish to express my strong objection to the proposed Bartlett Cr sidewalk whether it is on the east or the west side(s) of the street. Sidewalk on Bartlett Cr was never contemplated in the original design of the subdivision back in 1973 and, in my opinion, is not needed in 2021.

My reasons for objecting are as follows:

- Sidewalks are not needed for pedestrian safety or access - vehicular traffic is very light. There is little to no connecting traffic between Viscount Rd and Barclay Rd via Bartlett Cr or Kinnear Cr.
- There is already an existing sidewalk connection between Viscount Rd and Barclay Rd via the existing sidewalk on Kinnear Cr.
- Access to existing sidewalk from any house on Bartlett Cr is, at most, 160m which is less than many cul-de-sac locations in the city where no sidewalk is contemplated under the CoL overall planning guidelines.
- The construction of new sidewalk in this neighborhood will negatively impact existing trees and landscaping. Tree planting, landscape grading and hard landscaping have all been carried out on the assumption that the original road layout would not be changed. Sidewalk construction will result in removing a number of mature trees and would create some difficult landscape grading issues - particularly at the SEC Bartlett/Kinnear intersection and the corner lot, east side, on the Bartlett Cr curve. These houses will have significant grade issues if the sidewalk/boulevards are constructed as per City of London standards and will lose a significant portions of their overall lawns to new sidewalk/boulevard construction.
- The construction of new sidewalk along Bartlett Cr will cause great hardship for a number of homeowners whose homes were originally constructed with no expectation of future sidewalk across their frontage. The removal of 3.0m-4.5m of usable driveway parking space will create parking issues and likely reduce the value of their homes if only 1 car can be parked on site. A 1 car parking limitation may be acceptable in new construction as the purchaser is aware of the the limitations of what he is contemplating. Unfortunately if serious limitations that reduce the utility or value of a home are imposed afterwards, homeowners are blindsided with little ability to adjust.

I am a long time resident on Bartlett Cr - 46 years from the time it was initially serviced and the roadway originally constructed. **I strongly object to the proposed sidewalk installation** that, in my opinion, is not needed or wanted and whose costs and downsides far outweigh any perceived benefits.

On a side note I am a little disturbed that, on Saturday, Ugo deCandido definitely states that the Construction Notices were delivered to all residents on Friday afternoon when,

in reality, the official notices were not delivered until 3 days later, around noon, Monday Feb 15. 59 Bartlett Cr has a clearly visible and accessible mailbox and the delivery person had no issues in delivering the official CoL notice on Monday. I question whether the notices would have been delivered at all if homeowners had not contacted you to intervene on our behalf.

Thank you for being concerned with the wishes of the Bartlett Cr residents and for standing up on our behalf. Should you have any questions on my position or would like to discuss this matter further please contact me via phone or email.

--

G²
Guntis Glinavs P. Eng

Property Owner
59 Bartlett Cr.
London ON N6K 1W3

Subject: City Sidewalks

Sidewalks are essential for a strong community

My neighbourhood has a sidewalk on one side of the street and that's OK

My neighbourhood is going through transition, there are many new families with children who now interact with new neighbours out on the sidewalk

Some older people walk with the use of a walker, every day (weather permitting) he walks the neighbourhood and if I or the people new door are gardening we stop, he sits on his walker and we visit

We connect with one another, we support one another and we care for one another

This happens on a sidewalk not a road

Trees can be replanted (I'm a tree hugger) people can't

No one child or adult should be forced onto the road

Respectfully,

Dianne W.

14 Chancton Crescent

March 5, 2021

To: The Chair and Members of the Civic Works Committee (CWC)

RE: Friars Way and Doncaster Place Reconstruction/Abbey Rise Reconstruction

Request: Realize the important benefits and value of London's mature tree canopy in the decision to exempt Friars Way and Sherwood Forest streets from installation of sidewalks in the planned road reconstruction.

To the Chair and Members:

The committee members the residents requesting exemption from installation of sidewalks face similar challenges. With continued road construction, you are faced with pushback when cutting down large mature trees in well established neighbourhoods to incorporate sidewalks. Our request is to guard the Benefits of Trees not just for this generation, or until the next plan to be prepared in 2035, but for generations to come. We cannot possibly put the value of losing a 50-year-old tree with a replacement of a new medium sized tree that is on the cities "approval" list and consider this replacement of the tree canopy that meets the guidelines.

We have a unique city that houses unique neighbourhoods. Perhaps we should celebrate this, rather than attempting to bundle each area the same. Why can't we have "new" urban, and "old" historical neighbourhoods that incorporate safety for all.

I have been a resident of Friars Way for 23 years, raising my two adult children here from the ages of 3 and 7 years. I previously owned my home in Old South where we did have sidewalks. I was initially concerned moving into an area without sidewalks, assuming that sidewalks meant 'safety'. Not necessarily.

When a community and families are raised with certain boundaries, we come to respect them and not take for granted what safety might look like. From the way we back out of our driveways, teach our children the true meaning of road safety, coach our visiting family and friends on manoeuvring our streets with no sidewalks or streetlights. Sharing the roadway with bikes, strollers, walkers, hikers, joggers, and wheelchairs as their mode of transportation is our normal here. Everyone welcome. We all pay attention. This clearly confirms that we have an area that provides safe passage for all mobility concerns. I witness driver's travelling at a slower speed paying closer attention, because we do share the roadway.

On a personal note. I have a sister with M.S., relying on her wheelchair as her only mode of transportation. She has a manual and motorized chair. In her neighbourhood (with sidewalks), that does not have the complex inclines of Sherwood Forest, she cannot use her manual chair as her strength is not there to juggle the instability of the sidewalks. Road travel is safer. The motorized chairs can only be used in good weather as sidewalks are never cleared of ice, snow, and excess water on a regular basis in residential areas. I have housed my 87-year-old mother in my home since February 2020 due to Covid-19. We walk daily. We do NOT use the current sidewalks in our neighbourhood, Wychwood

Park, Annadale Dr, Leyton Cres and Lawson Rd in winter months as they are just not safe. We share the roadway. (I will attach photos of confirmation).

We here on Friars Way are not in or near a high traffic area. Our closest public transit is minimum of 10 blocks away on Lawson Rd.

We are not a thoroughfare to enter or exit our neighbourhood. The City of London, years ago, incorporated a median on Wonderland Road (in front of Sherwood Forest mall) at Annadale. The only traffic coming in/out are residence on the street. Any through traffic flow utilizes Lawson Rd.

This neighbourhood is also unique in terms of topography. The curves of the streets with numerous hills and curves naturally slow traffic. Each street was designed to fit into the structure of the land, rather than the developers cutting streets and elevations that conform to their construction plans.

Viewing New Construction area's, we can clearly see the density, and smaller lots, (multi units). The "New" neighbourhoods will not be able to plant the same species of large trees like Lindens and Maples that build our beautiful Forest City canopy, due to size restrictions. Their options of smaller trees along with the 'replacement' trees the city offers will never meet the "distinctive tree status of the City of London Tree Protection Bylaw, as (50cm dbh) requirement.

We cannot continue to disregard the value of these large mature trees that support climate change, soil erosion, deforestation, clean air, and global warming issues.

Equally important, you face issues in "The London Plan" of strategies on saving our canopy, preservation of our Urban Forestry, by "protecting", "maintaining", and "planting more" along with preserving our natural heritage system that in the Medway Valley protected area that Friars Way directly abuts.

The loss of our Mature Street Canopy dismisses our High Value (Asset) of Mature Trees, the Ecological Impact along with climate change, soil erosion, deforestation, clean air, and global warming.

Viewing JUST the upcoming 28 construction plans for 2020 that I have taken directly from the City of London web site, I have noted removal of 155 trees at an age average of 50 years = 7750 years of growth. This was just the initial count 14 of the projects had not recorded potential losses.

How do we equate a plan to replace them with smaller trees and call that replacement or equal value? I challenge the Urban Forest Strategy goal to increase City tree canopy from 21% to 34% by 2065 using the same measure of value. At the current rate of clear cutting our mature neighbourhoods and facing new insect challenges like our current Gypsy Moth dilemma, how do we meet these goals?

How do we address the Climate Emergency Action Plan with the removal of our mature trees?

I invite each one of you to come to our neighbourhood. Bring your walking shoes and walk the walk.

It will soon be apparent on how you can change the plan without losing the vision. (REALIZING THE PLAN 27- The London Plan will be monitored and adjusted over time to adapt to a changing context).

I appreciate your consideration.

Warmest regards

Patti MacLennan

Subject: [EXTERNAL] proposed Old Hazelden sidewalk

Hi Councillor Steve:

I have lived at 72 Hartson Rd since 1971. We do not need side walks. Please use city money where more needed.

Walking is safe and fine. Accessibility is not a problem for getting around our neighbourhood. We are a small and not a thoroughfare subdivision so therefore traffic is not a problem.

Best regards,

Victoria Garfat
72 Hartson Rd.
London, Ont.

SUSAN MAHIPAUL

1164 St. Anthony Road, London, ON, N6H 2R1

March 11, 2021

Councilor Steve Lehman
City of London, Ontario
lehman@london.ca

Dear Councilor Steve Lehman:

I am writing today in regard to my community and neighbourhood on St. Anthony Road. Recently, neighbours gathered to discuss the proposed paving of our road and the City's Complete Streets Mandate. I am a disability scholar and advocate, and also identify as a woman living with a lifelong disability. My research, teaching, advocacy and writing center on perspectives on disability and how individuals with disability navigate our systems and institutions. I have followed the sidewalk debate with interest, specifically the reactions, stories and worries from my fellow neighbours who also live with disability and/or impairment.

Our neighbourhood feels like a social, supportive, and inclusive community, and accessible for those of us who live with disability. I use the word feel, because accessibility is not only seen but has to feel inclusive in order to be effectively used. I was struck by why a sidewalk, as part of a Complete Street Mandate, didn't feel accessible to me within this neighbourhood, and I wanted to unpack this feeling for you in this letter. In the five years my husband and I have lived on St. Anthony Rd, I have never felt excluded or unsafe in this neighbourhood. My husband and I chose to build our accessible home on this street because the property sizes allowed for a one-story accessible living foundation/footprint, but also because of how quiet this neighbourhood is. We lived on a heavily traveled through-street before moving here, a street a little wider than St. Anthony Rd with sidewalks on both sides. I went for a walk/wheel every day with our dog but had to stay on one side of the road because I was afraid to be hit by a car at the two points where pedestrians could cross.

One of my neighbours living with disability mentioned recently that the ability to walk on St. Anthony Rd means *freedom*. The word freedom interests me from a theoretical perspective because it relates to independence. We live in a society where independence is automatically related to functioning and ability, autonomy, and self-sufficiency. However, when you live with a disability or impairment, independence also relates to the concepts of choice and control. These concepts do not only represent choice and control over our bodies and who gets to decide what happens to our bodies, but also how we interact with services, equipment, caring relationships and community. On St. Anthony Rd, freedom means the ability to walk/wheel side-by-side with neighbours along this road. Freedom means knowing that we are going to encounter more pedestrians than cars on the road. Freedom also means having the ability to choose where we walk depending on construction, weather, garbage days, or how our bodies feel and the types of mobility devices we use. This road means inclusion and belonging for me no matter my abilities.

Disability and accessibility represent complex concepts for me. As a disabled citizen, I often feel relegated to the edges. We have specific places for us to sit at. We have specific entrances and places within buildings where to use elevators and where to access washrooms and parking. I rarely get to use a space 'like everyone else'. So, when we have a street, like St. Anthony Rd, with little vehicle traffic and a strong social, supportive, and inclusive community, where everyone feels safe, and cars know to look for us, the idea of a sidewalk feels segregating. A sidewalk feels like the place where those of us with disabilities are supposed to be in order to be 'safe' and others get to choose where they walk. In that sense, this change **looks** safe and meets accessibility standards but **feels** inaccessible because it threatens our segregation from this inclusive community we feel we belong to and within. I particularly felt this when I reflected on how I might use a sidewalk. My first thought was "Will I have to use the sidewalk then or can I still use the road?". I also thought about whether I could walk side-by-side with neighbours who also use mobility devices. Currently we have the freedom to do this. St. Anthony Rd has not been a dangerous street and does not connect to any infrastructure. Thus, a sidewalk for safety and accessibility feels like a drastic change.

We have something special on this little road that feels like a park and a livable street in the middle of a large city. I grew up in Europe, with old inner cities and tiny roads that cannot be widened for sidewalks. For decades, Europe has implemented livable streets within its cities. These streets are called "Woonerfs" (a "home zone") that create a space where pedestrians, cars, and bicycles co-exist with each other. They are spaces where neighbourhood cultures make streets safer by allowing residents to reclaim their streets. Cars slow down and are guests, rather than dominant, on the road. These home zones apply not only to new builds, but also to retrofitted streets where communities want to give children a place to play, where pedestrians have the right of way, and residents are provided with a place to be active, increase community interaction and quality of life. They are considered safe, accessible, inclusive, and vital parts of the community.

Would the city be interested in **shaping** this space for us? I believe in the importance of considering place and space in addition to safety and accessibility. In a neighbourhood where everyone feels like they belong, a neighbourhood that has potential to be a space where neighbours coexist, whether they walk, wheel, play, cycle, or drive, a sidewalk will likely not add to safety and accessibility. The sidewalk also will not connect to any stores, coffee shops, churches or schools. People who use St. Anthony Rd enjoy the outdoors and have the ability to travel the 4 roads that make up our community. This social community thrives on this neighbourhood meeting each other on this very road. Perhaps this council could consider further shaping St. Anthony Rd into an inclusive space that is not divided by a vertical sidewalk through one section of the community. Perhaps the city could create a home zone that will further foster the usability, accessibility, inclusion, safety, and community we have already created here, all year round, in this beautiful quiet space in the middle of the city of London, ON.

Sincerely,



Chris Golder & Keiko Yano

475 Hibiscus Ave.

London, Ontario

N6H 3P1

Thursday March 11, 2021

City of London

300 Dufferin Ave.

London, Ontario

N6A 4L9

Attention: Special Civic Works Committee

RE: Special Meeting – March 15, 2021

Dear Committee Members,

We reside in the Oakridge Acres area, near Tarbart Terrace, and have recently become aware of the controversy regarding sidewalk installation during upgrades in the coming months. We have also heard arguments supporting and opposing the installation of sidewalks. Our street does not have sidewalks, but believe it is only a matter of time before an upgrade plan is put into action. At this time we neither support nor oppose sidewalks being installed, but strongly believe that the topic should be discussed and all opinions considered in a fair and respectful manner. We are writing this letter because we are both stunned and upset by comments made by Accessibility Advisory Committee Chair Mr. Jay Menard accusing those opposed to the sidewalks as “excluding” people with disabilities, the elderly and parents with strollers and causing “systematic ableism.” Mr. Menard, however well intentioned, as the chair of such an important committee, must be respectful of others and the different opinions they may have. It appears that he has taken this debate personally, with a closed mind and the attitude of “sidewalks at all cost.”

Oakridge Acres itself was designed with the clear intention of traffic calming by street design resulting in confusing navigation for those who do not reside in the area. As a direct result, there are very low traffic volumes in the area – especially on tertiary roads like Tarbart Terrace. This is something residents living on the road would be able to speak to with first-hand knowledge. We also believe it is important not only to solicit the opinions of residents but to respect what they have to say even if it interferes with city planning. Furthermore it is unfair to label them as discriminating against others who don’t live on the street or even in the immediate area. We have two school aged children and have had many occasions to walk on Tarbart Terrace, including walks, bike rides, and at Halloween, and have never felt in danger or limited in mobility due to a lack of sidewalks. Valetta Street is the main secondary road in our neighbourhood and there are sidewalks on both sides. There were times this winter, and every past winter, when it was safer and easier to walk on the road because the sidewalks were either not plowed or extremely icy after being plowed. Having sidewalks does not solve all problems and not having sidewalks does not limit mobility in this neighbourhood – even if someone has a disability, are elderly or pushing a stroller.

Another important consideration, for us, is the city budget and the fact that COVID-19 spending has led to major spending increases in the past year resulting in substantial increases to property taxes for residents. Creating sidewalks, especially where they may not be needed (or wanted), has a high initial cost with the added yearly cost in the future to maintain in winter and as they age. Not installing sidewalks on every single street may be a major way to save money now and in the future and certainly worth considering.

Finally, we do like the idea of living in the “Forest City” and believe that the City of London takes great pride in this recognition and makes decisions to keep our trees healthy and great in numbers. We do not like the idea of removing any greenery, including trees, shrubs and grass and replacing it with concrete. This is what separates London from many other cities across the world. Winding and confusing streets, the lack of sidewalks, and low traffic volume are just a few of the characteristics of Oakridge Acres that is highly sought after and gives it its charm.

Sincerely,

Chris Golder & Keiko Yano

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Managing Director, Environmental & Engineering Services
and City Engineer

Subject: New Sidewalks in 2021 Infrastructure Reconstruction Projects

Date: February 9, 2021

Recommendation

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following information concerning implementation of new sidewalks on neighbourhood street reconstruction projects proposed herein, **BE ENDORSED** for implementation in the 2021 Renew London Construction Program.

Linkage to the Corporate Strategic Plan

The following report supports Municipal Councils 2019-2023 Strategic Plan through the strategic focus area of Building a Sustainable City and Creating a Safe London for Women and Girls. The report identifies the building of new neighbourhood infrastructure to support development and mobility in the City and supports more livable vibrant communities. The plan also identifies the implementation and enhancement of road safety measures to deliver convenient and connected mobility choices.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Civic Works Committee – June 19, 2012 – London 2030 Transportation Master Plan
- Planning and Environment Committee – June 13, 2016 – The London Plan
- Civic Works Committee – August 13, 2018 – Complete Streets Design Manual

1.2 Purpose

The purpose of this report is to provide the framework in which decisions are made in order to build sidewalks on neighborhood street reconstruction projects to reduce accessibility barriers. Multiple neighbourhood streets without sidewalks are included to be rebuilt in this year's Renew London Construction Program. The report proactively provides committee and Council information while staff complete designs and plan public consultation and construction.

This report identifies which streets in the upcoming program are recommended for new sidewalks to be added on at least one side for accessibility, safety and walkability reasons.

The sidewalk candidates described herein are planned for implementation via the 2021 Renew London Construction Program. Stand-alone sidewalks not associated with larger infrastructure reconstruction projects get implemented via the New Sidewalk Program. Information on the New Sidewalk Program is communicated separately and is not included in this report.

2.0 Discussion and Considerations

2.1 Neighbourhood Street Reconstruction 2021 – Adding Sidewalks

The City is committed to maintaining strong and healthy communities through safe and accessible infrastructure. In 2021, the Renew London Construction Program includes projects that will be reconstructing neighbourhood streets in poor road condition. The scope of work generally includes replacing the road and underground services where necessary and rebuilding and restoring areas disturbed by construction to current standards. Projects are surveyed and designed over the winter and tendered in spring noting each project varies in length, excavation depth and extent of infrastructure replacement. Community engagement typically occurs based on the degree of disruption and once the design has progressed enough to provide meaningful information. Consultation typically occurs in the late winter and spring. In some cases, these projects present an opportunity to include building a new sidewalk in compliance with Council policy on one or both sides of the street where they currently do not exist.

Walking is an active mode of transportation promoted by the Smart Moves 2030 Transportation Master Plan and the London Plan. It is also an integral part of a transit trip. Sidewalks support walking safely and accessibly for Londoners of all ages and abilities. Implementation of new sidewalks is also a response to Council’s climate change emergency declaration by supporting sustainable transportation choices.

The design of the reconstruction projects with proposed new sidewalks is underway. Sidewalks will be designed for accessibility, safety and walkability reasons. Due to constraints most often related to property lines, mature tree and property impacts, combined with consideration of pedestrian origins and destinations, most of the identified streets will be reconstructed with a sidewalk on one side only. The design process develops preferred alignments based on the existing network, impact on trees, landscaping and utilities. All projects require a City Forestry staff member to analyze all trees on City right-of-way within the project limits, support tree decisions for that project and assist in the creation of tree protection plans. Tree decisions include the determination of the health and the impact of construction activities for both sides of the street. Analysis has been started for most 2021 locations and letters will be sent out notifying affected residents of the project, sidewalk design and tree impacts. If residents in the neighbourhood request further information, staff will plan additional consultation opportunities to address resident concerns.

The list of new sidewalks to be included in 2021 neighbourhood street reconstruction projects is provided below. The table shows how many trees are on the street and the approximate number of trees to be removed for the installation of the sidewalk. The approximate tree removals identified are based on sidewalk installation; however, some removals are often necessary due to overlapping infrastructure impacts such as watermain replacement or curb related instability and also tree health assessments.

Location	From	To	Existing Trees	Trees Requiring Removal	Sidewalk Location
Abbey Rise (plus Scarlett connection to Wychwood)	Longbow Road	Scarlett Avenue	24 (6)	6 (3)	West * (East) *
Bartlett Crescent	Viscount Road	Kinnear Crescent	41	9	East *
Elm Street	Trafalgar Street	Hamilton Road	1	1	East **
Friars Way	Annadale Drive	Wychwood Park	96	30	North *
Imperial Road	Grenfell Drive	Balcarres Road	17	6	East *
Paymaster Avenue	Burlington St	east limit	5	2	North *
St. Anthony Road	Hyde Park Road	Hampton Crescent	35	10	South *

Tarbart Terrace	Deer Park Circle	Deer Park Circle	36	6	South, inside *
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* Recommendation for one-sided sidewalk based on conflicts with mature trees, right-of-way widths and property impacts.

** Installation will be a second sidewalk because of minimal impacts and the direct connection to a school destination

Doncaster Place, Culver Place, and East Afton Place are short neighbourhood streets that will be fully reconstructed in 2021. They have no existing sidewalks and are dead end court-style streets that have no connecting links to other destinations. These types of locations are normally not considered for a new sidewalk, however, will be independently reviewed for the prospect of including one where feasible during the design process.

Consultation with the Accessibility Advisory Committee and Transportation Advisory Committee is underway concurrently with the preparation of this report.

2.2 Challenges and Solutions

Implementing new sidewalks is sometimes contentious within neighbourhoods and requires the balancing of differing objectives. The conflict between the desire to preserve existing trees and the goal of providing a safe and accessible mobility system often arises from residents. The ability to reach consensus on these competing priorities varies from location to location.

During final design, City staff will complete an assessment of potential impacts and mitigation strategies to address resident and neighbourhood needs and concerns. Preferred alignment for new sidewalks includes a boulevard noting in many cases to minimize tree and driveway impacts, sidewalks are often built adjacent to the curb. In some scenarios, sidewalks are placed along the corridor where a new watermain is built. Typically, in those cases, trees may require removal for the watermain and the new sidewalk is located over the restored watermain corridor.

Several challenges and mitigation strategies that staff have used on past neighborhood street projects when implementing a new sidewalk are shown in the table below.

Challenges	Mitigation Strategies and Solutions
Tree conflicts, loss of trees and established canopy	<ul style="list-style-type: none"> - Install new trees - Install sidewalk into the road (1.8 metre combination sidewalk adjacent to curb), narrowing the road width and slowing traffic
Loss of parking as sidewalk crosses driveway	<ul style="list-style-type: none"> - Install sidewalk strategically so that resident parking spots are maintained as much as possible - Install sidewalk into the road to maintain longer driveways for homeowner and help eliminate boulevard reduction
Damage and impacts to landscaping or privately installed irrigation	<ul style="list-style-type: none"> - Provide residents early notice, allowing ample time for residents to relocate
Driveway damaged during construction	<ul style="list-style-type: none"> - Restore driveway to existing or better condition after construction
Flat road profiles and reverse or steep grades to property	<ul style="list-style-type: none"> - Implement new drainage improvements - Standard sidewalk (1.5 metres wide) with boulevard and vary if possible - Grading, topsoil and sod required to blend into topography
Boulevards with above ground utility structures, untamed vegetation	<ul style="list-style-type: none"> - Structures relocated prior to construction - Compare impacts to other side of road when choosing which side to add sidewalk

Tree removal timelines	<ul style="list-style-type: none"> - Due to legislation, any required tree removal is preferred before April 1 and are marked five calendar days prior to removal - Decision early to ensure staff have appropriate resources and time to plan and remove
Lack of consensus among neighbours on street (i.e., tree removal versus adding new sidewalk)	<ul style="list-style-type: none"> - Information sharing - The City's Forestry Staff assess all streets with tree removals and initiate replanting efforts in subsequent years
Project Timelines	<ul style="list-style-type: none"> - Council endorsement early 2021 which will allow designs to finalize and projects tendered to ensure they get built this year and avoid weather issues that can have major impacts to completion and quality of work, namely concrete and asphalt.

Following the design phase communications, City Staff plan on holding virtual information sessions with residents. Staff will also send an additional notice before construction providing residents with an anticipated construction schedule that will include project manager contact information.

To improve pedestrian safety, connectivity, and accessibility, the 2020 neighbourhood reconstruction program included approximately 2,600 metres of new sidewalk on streets where they did not previously exist. This figure will be similar in 2021.

2.3 Policy background

Cities across Ontario are making changes to how their roads are planned, designed and built with road safety for vulnerable users a primary concern (i.e., people of all ages and abilities walking, rolling, or riding a bicycle).

Streets without sidewalks are a common occurrence in North American cities, which largely reduced building them in the post Second World War period. Many of London's subdivisions built in the 1950's to 1970's did not include sidewalks.

The City has the policy basis to build complete streets that both allow people to be more physically active and better connected to access goods and services. Complete streets are those which are designed to support many different forms of mobility and provide infrastructure that make all forms of mobility safe, attractive, comfortable, and efficient. This can lead to more vibrant livable communities.

The desire to alter road design policy and practice is fuelled in large part by changes to how people want to travel around their neighbourhood. Many communities across Ontario have enacted Official Plan policies that are supportive of creating roadways that serve multiple travel modes. There is a need to create streets that are safe and functional for pedestrians. This reflects the reality that pedestrians and cyclists are more vulnerable than vehicular road users, and that supporting active modes of transportation often results in health benefits, to both individuals and the community. Streets should be designed to be inclusive and accessible so that road users of all ages and abilities are accommodated to the maximum degree possible.

The City's new official plan, "The London Plan", which is partially in effect, and the City's in-force 1989 Official Plan, as well as the Transportation Master Plan (TMP), "Smart Moves", provide clear policy direction that the planning and design of future streets as well as the renewal of existing streets, should be supportive of all road users, and be "complete." Furthermore, in 2017, the City of London adopted the Vision Zero principles, which are based on the notion that no loss of life as a result of traffic-related collisions is acceptable.

The London Plan supports the creation of pedestrian friendly environments. Walking is the most universal means of travel, an important form of exercise and an enjoyable recreational activity. All Londoners are pedestrians at various points in their journey,

which include individuals who are walking or using a mobility device. A pedestrian-friendly environment provides direct routes to destinations, minimizes risks, and provides a comfortable experience for pedestrians of all ages and abilities. Sidewalk are proposed for all current users and for those that may live here in the future.

London Plan policy 349 (currently under appeal) provides specific direction for where sidewalks are to be installed. It includes that “To support walkability, sidewalks shall be located on both sides of all streets. An exception to this requirement may be considered in the following instances. In most of these instances a sidewalk will be required on one side of the street.” The policy goes on to provide seven criteria, including the following: “6. Road reconstruction projects, where the existing conditions such as mature trees, right-of-way widths, or infrastructure would impede sidewalks on both sides of the street.” Therefore, it is the policy of the London Plan that road reconstruction projects should provide sidewalks on both sides unless there are specific constraints that may result in it being more desirable to include one, or in some cases, no sidewalks.

2.4 Community Input

The City works to create neighbourhoods where residents are able to reach on foot essential destinations such as grocery stores, parks, and transit stops. Many local groups and organizations in London supported walkability and pedestrian safety in our community. Some of these groups are highlighted below.

Age Friendly London has action plans that specifically mention increasing walkability and safety of sidewalks, bike paths, improved connectivity of sidewalks, increased snow clearing, and increase benches along pathways.

Child and Youth Network has goals to create environments, neighbourhoods and opportunities that promote and support physical activity, create healthy and active neighbourhoods, build community connections to health activity opportunities.

Middlesex London Health Unit’s Strategic Plan refers to collaborative, integrated strategies to improve physical activity for all.

The Urban League supports more liveable neighbourhoods.

Active and Safe Routes to School (ASRTS) encourages children to walk or wheel to school by educating students on road safety, improving surroundings and encouraging students to try active modes of transportation.

Accessibility Advisory Committee (ACCAC). City Staff attended the ACCAC virtual meeting on January 28, 2021 to review a memo describing the City’s complete street sidewalk assessment approach for 2021 Neighbourhood Street Reconstruction Projects that do not currently have sidewalks on either side of the street. From that consultation, the following actions were recommended by ACCAC:

- a) the Civic Administration BE ADVISED that the AACCAC supports the inclusion of sidewalks on both sides of the streets listed within the Memo except in circumstances that warrant sidewalks on only one side of the street: and,
- b) the Civic Administration BE ADVISED that the only instances that call for zero sidewalks on a street should be situations where the circumstances are insurmountable for the installation of sidewalks and, in those cases, the ACCAC should be consulted.

Transportation Advisory Committee (TAC) also discussed and formally received a memo on the subject on January 26, 2021.

Finally, The City of London places a high priority on a culture of safety within the community with a focus on pro-actively identifying processes and tangible actions to increase the safety of women and girls. Introducing sidewalks improves the safety of our streets and increases the ability for women and girls to walk. City staff are all

encouraged to design spaces to increase the participation of women and girls and the introduction of sidewalks is an opportunity to improve a safe and inclusive street.

3.0 Financial Impact/Considerations

3.1 Cost

The cost to add new sidewalks on streets where they currently do not exist for the neighbourhood street reconstruction program in 2021 is approximately \$500,000 and is included in the annual program budgets. For context, the total program budget is about \$10 million. The operating increase to maintain the additional 2,500 metres of sidewalk (i.e., snow removal) is approximately \$3,000 annually.

4.0 Key Issues and Considerations

4.1. Legislation and Sidewalk Rational

Road construction offers an efficient and cost-effective opportunity to implement sidewalks and provide universally accessible, safe and walkable networks, regardless of age or ability.

The Accessibility for Ontarians with Disabilities Act (AODA) requires municipalities to remove barriers to accessibility. Sidewalks are infrastructure that provide universal accessibility, regardless of ability level. They offer a protected, dedicated space for all pedestrians, especially the most vulnerable, including when visibility is poor (i.e., weather events, dark).

The Planning Act, in subsection 24(1) requires that any public work undertaken conform with the official plan in effect. “Public work” is defined as any improvement of a structural nature or other undertaking that is within the jurisdiction of the municipality. The approach outlined herein conforms with the in-effect policies of the 1989 Official Plan. The specific “sidewalks” policy in the London Plan is under appeal, and not in effect, however, the approach also conforms with the direction of Council as adopted in the London Plan.

New sidewalks encourage exercise and help counter inactivity among residents through a built environment that promotes safe walking and cycling. Sidewalks support access and gentle exercise for seniors and their caregivers.

Sidewalks also provide pedestrians with a means of exploring their neighbourhood safely instead of sharing the road with vehicles. They create a pathway within and between neighbourhoods and support different travel modes (e.g., walking by self, with stroller, scooter, or using a walker or wheelchair).

Conclusion

The 2021 Neighbourhood Street Reconstruction Program supports infrastructure renewal and the City of London’s Vision Zero Road Safety Strategy by increasing safety and providing healthy equitable mobility for all. The program is also linked to two of the City of London’s 2019-2023 Strategic Plan’s priorities (Building a Sustainable City and Creating a Safe London for Women and Girls) by building new transportation infrastructure to meet the long-term needs of our community.

This report identifies the planned implementation of sidewalk policies in the 2021 neighbourhood street reconstruction program. The information herein balances the mobility and safety goals with other policies and homeowner considerations. City staff will identify preferred street design and sidewalk alignments based on existing network, impact on trees, landscaping and utilities and will make every effort to accommodate local resident concerns and needs throughout the next stages of design and construction.

This strategy contributes to many City objectives related to pedestrian connectivity, is consistent with the work of numerous community groups, and identifies new infrastructure that will create strategic connections while balancing impacts.

The 2021 ReNew London program is planned to add approximately 2,500 metres of new sidewalk on neighbourhood streets to improve pedestrian safety, accessibility and connectivity while balancing other community needs. Adding sidewalks provides safer spaces for pedestrians, removes barriers for those with unique mobility considerations, and fosters equitable access to the community for all Londoners.

Prepared by: Ugo DeCandido, P. Eng., Division Manager,
Construction Administration

Submitted by: Doug MacRae, P. Eng., MPA, Director, Roads and
Transportation

Recommended by: Kelly Scherr, P. Eng., MBA, FEC, Managing Director,
Environmental and Engineering Services and City
Engineer

c: Accessibility Advisory Committee
Transportation Advisory Committee

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Anna Lisa Barbon, CPA, CGA, Managing Director, Corporate Services and City Treasurer, Chief Financial Officer

Subject: Safe Restart Agreement – Phase 2 Municipal Transit Funding – Transfer Payment Agreement

Date: March 15, 2021

Recommendation

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting on March 23, 2021 to:

- (a) approve the Transfer Payment Agreement for the Safe Restart Agreement – Phase 2 Municipal Transit Funding (the “Agreement”) between Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for the Province of Ontario and The Corporation of the City of London;
- (b) authorize the Mayor and the City Clerk to execute the Agreement;
- (c) delegate authority to the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer to approve further Amending Agreements to the Transfer Payment Agreement for the Safe Restart Agreement – Phase 2 Municipal Transit Funding between Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for the Province of Ontario and The Corporation of the City of London.
- (d) authorize the Mayor and the City Clerk to execute any amendments to the Agreement approved by the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer; and
- (e) authorize the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer and City Manager (or delegate) to execute any financial reports required under this Agreement.

Executive Summary

The provincial and federal governments recognized that municipal transit has been particularly hard hit by the COVID-19 pandemic. In 2020, significant funding was delivered through Phase 1 of the Safe Restart Agreement to support municipal transit. On March 1, the Province confirmed additional funding under Phase 2 which will be available until March 31, 2021 and announced funding under Phase 3 that would be eligible to apply to COVID-19 expenditures and lost revenues beyond March 31, 2021.

The total Safe Restart Agreement funding for municipal transit in Ontario is \$2.15 billion. The City of London was allocated \$59.8 million from this amount from Phase 1 to 3.

This report introduces a by-law to authorize the Mayor and the City Clerk to execute the Transfer Payment Agreement and any future amending agreements between the Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for the Province of Ontario and The Corporation of the City of London with respect to the Safe Restart Agreement – Phase 2 Municipal Transit Funding program.

Linkage to the Corporate Strategic Plan

The following report supports the Strategic Plan through the strategic focus area of “Building a Sustainable City”, under the outcome of ensuring London’s infrastructure is built, maintained and operated to meet the long-term needs of our community.

Provincial investments supporting public transit infrastructure in London represent important contributions to maintaining and improving the quality of life of all Londoners.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Strategic Priorities and Policy Committee, September 22, 2020, Agenda Item 2.1, 2020 Mid-Year Operating Budget Monitoring Report & COVID-19 Financial Impacts. The report can be found on the City's website by visiting:

<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=74797>

2.0 Financial Impact/Considerations

The COVID-19 pandemic has been particularly difficult for municipal transit. Through the Safe Restart Agreement, the provincial and federal governments have responded to municipalities' needs for financial support for transit.

In 2020, significant funding was delivered through Phase 1 of the Safe Restart Agreement to support municipal transit. On March 1, 2021, the Province confirmed additional funding under Phase 2 which will be available until March 31, 2021. At the same time, the Province announced funding under Phase 3 that would be eligible to apply to COVID-19 related expenditures and lost revenues beyond March 31, 2021. The total Safe Restart Agreement funding for municipal transit is \$2.15 billion. The City of London was allocated \$59.8 million from this amount.

Transit SRA Funding	Time Period	Province Wide Funding \$(000)	City of London Share \$(000)
Phase 1	April 1, 2020 to September 30, 2020	\$700,000	\$18,524
Phase 2	October 1, 2020 to March 31, 2021	\$800,000	\$23,176
Phase 3	April 1, 2021 to December 31, 2021	\$650,000	\$18,105
Total	n/a	\$2,150,000	\$59,805

Phase 1 funding was allocated based on 2018 ridership and did not require a transfer payment agreement with the Province. The funds were received in Fall 2020. Financial pressures eligible for reimbursement included those associated with the need to continue to operate with reduced revenue and new expenses resulting from COVID-19. Phase 1 covered budget pressures from April 1, 2020 to September 30, 2020. Funds not utilized for this period could be used for COVID-19 shortfalls up to March 31, 2021.

Phase 2 eligible financial impacts must be incurred from October 1, 2020 to March 31, 2021. Eligible financial impacts are similar to Phase 1, but payments will be based on a one-time claim for eligible financial impacts that must be incurred prior to submitting claims for payment. Each municipality must enter into a transfer payment agreement with the Province if the municipality has any eligible financial impacts from October 1, 2020 to March 31, 2021, even if the municipality has enough funds left over from Phase 1. The transfer payment agreement must be fully executed, including Minister signature, by March 31, 2021 and must include an authorizing municipal by-law.

The purpose of this report is to present the transfer payment agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for the Province of Ontario and The Corporation of the City of London with respect to the Safe Restart Agreement – Phase 2 Municipal Transit Funding for approval and to introduce a by-law to authorize the Mayor and the City Clerk to execute the agreement and any future amending agreements.

It should be noted that Article 9.0 – Indemnity requires the City to indemnify and hold harmless the Province from and against any loss or proceeding, unless solely caused

by the Province's negligence or wilful misconduct. Although this clause exposes the City to risk, the benefits of the Agreement outweigh the risks.

Phase 3 funding is based on an allocation, similar to Phase 1, and does not require submitted claims. A transfer payment agreement will not be required. Funds will flow to each municipality after they sign back a letter confirming their amount and purpose for the funds. Two reports outlining how the funds were used will be due back to the Province in October 2021 and January 2022. Municipalities can apply for an extension through to December 31, 2022 should there be funding remaining.

The City of London's 2020 Mid-Year Operating Budget Monitoring Report (September 20, 2020) included projections for lost revenues due to COVID-19 and additional costs due to COVID-19. The projected impact for London Transit in 2020 was \$17.6 million. The estimated impact on London Transit in 2021 was forecast to be \$11.3 million.

A more recent staff report to the London Transit Commission on January 27, 2021 reported COVID-19 related impacts of \$9.3 million from April to September 2020, and a further \$10.5 for October 2020 to March 2021. It should be noted that because Phase 2 funding is based on submitted claims for eligible COVID-19 related financial impacts up to March 31, 2021, the full Phase 2 allocation is unlikely to be utilized.

An updated forecast of 2021 COVID-19 financial impacts for the City of London, inclusive of impacts related to transit, will be included in the 2020 Year-End Operating Budget Monitoring Report to be presented to the Strategic Priorities and Policy Committee in April 2021.

Conclusion

With the approval of Phase 3 of the Safe Restart Agreement – Municipal Transit Funding, the provincial and federal governments have provided funding for municipal transit in Ontario totalling \$2.15 billion. Most importantly, Phase 3 provides funding to the end of 2021, with the ability to apply for an extension through to December 31, 2022 should there be funding remaining. The City of London was allocated \$59.8 million in total through Phase 1 to 3 of the Safe Restart Agreement – Municipal Transit Funding.

This report introduces a by-law to seek approval of the Transfer Payment Agreement between the Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for the Province of Ontario and The Corporation of the City of London with respect to the Safe Restart Agreement – Phase 2 Municipal Transit Funding and authorize the Mayor and the City Clerk to execute the agreement and any future amending agreements.

Recommended by: **Anna Lisa Barbon, CPA, CGA, Managing Director,
Corporate Services and City Treasurer, Chief Financial
Officer**

Appendix “A”

Bill No.
2021

By-law No.

A by-law to approve and authorize the execution of the Transfer Payment Agreement between Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario and the City of London for the reimbursement of funds under the Safe Restart Agreement – Phase 2 Municipal Transit Funding.

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

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting, among other things: i) economic, social and environmental well-being of the municipality, including respecting climate change; and ii) financial management of the municipality;

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

1. The Transfer Payment Agreement for the reimbursement of funds under the Safe Restart Agreement – Phase 2 Municipal Transit Funding between Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario and The Corporation of the City of London (“Transfer Payment Agreement”) attached as Schedule “1” to this by-law is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute the Transfer Payment Agreement authorized and approved under section 1 of this by-law.
3. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer is hereby authorized to approve future amending agreements to the Safe Restart Agreement – Phase 2 Municipal Transit Funding between Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario and The Corporation of the City of London provided it does not increase the indebtedness or liabilities of The Corporation of the City of London.
4. The Mayor and City Clerk are hereby authorized to execute any amending agreement to the Safe Restart Agreement – Phase 2 Municipal Transit Funding between Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario and The Corporation of the City of London approved by the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer under section 3 of this by-law.
5. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer and City Manager (or delegate) are hereby authorized to execute any financial reports required as a condition under the Transfer Payment Agreement.

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

PASSED in Open Council on March 23, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 23, 2021
Second Reading – March 23, 2021
Third Reading – March 23, 2021

**TRANSFER PAYMENT AGREEMENT
FOR THE SAFE RESTART AGREEMENT (SRA) –
PHASE 2 MUNICIPAL TRANSIT FUNDING**

THIS TRANSFER PAYMENT AGREEMENT for the Safe Restart Agreement (SRA) – Phase 2 Municipal Transit Funding (the “Agreement”) is effective as of the Effective Date.

B E T W E E N:

Her Majesty the Queen in right of Ontario as represented by the
Minister of Transportation for the Province of Ontario

(the “**Province**”)

- and -

The Corporation of the City of London

(the “**Recipient**”)

BACKGROUND:

The Government of Canada (“Canada”) announced, on July 16, 2020, \$1 billion in federal funding under the Safe Restart Agreement (SRA) to support Ontario municipal transit systems with COVID-19 pandemic related financial pressures in order to help the province restart the economy, while making Canada more resilient to possible future waves of the COVID-19 pandemic.

Under the SRA, the Province of Ontario has agreed to provide up to \$1 billion to cost-match the federal funding for a total of up to \$2 billion in funding to support Ontario municipal transit systems with COVID-19 pandemic related financial pressures.

The Province has provided SRA funding to the Recipient in September 2020 (Phase 1) and will provide the remainder of the Recipient’s allocated SRA funding in Phase 2.

The funding for Phase 1 was intended to offer the Recipient immediate assistance towards additional municipal transit expenses the Recipient incurred, as a result of the COVID-19 pandemic, on or after April 1, 2020 and on or before September 30, 2020.

The funding for Phase 2, which will be provided to the Recipient in accordance with the terms and conditions set out in the Agreement, is intended to provide the Recipient with assistance for the Financial Impacts (as defined in section 1.2 (Definitions)) the Recipient has incurred during the Eligibility Period (as defined in section A1.2 (Definitions)).

CONSIDERATION:

In consideration of the mutual covenants and agreements contained in the Agreement and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Province and the Recipient agree as follows:

1.0 ENTIRE AGREEMENT

1.1 **Schedules and Sub-schedule to the Agreement.** The following schedules and sub-schedule form part of the Agreement:

Schedule "A" - General Terms and Conditions

Schedule "B" - Contact Information and Authorized Representatives

Schedule "C" - Eligible Expenditures and Ineligible Expenditures

Schedule "D" - Claim and Attestation Submission, Supporting Documentation and Payment Procedures

Sub-schedule "D.1" - Claim and Attestation Form.

1.2 **Entire Agreement.** The Agreement constitutes the entire agreement between the Parties (as defined in section A1.2 (Definitions)) with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements.

2.0 CONFLICT OR INCONSISTENCY

2.1 **Conflict or Inconsistency.** In the event of a conflict or inconsistency between any of the requirements of:

(a) Schedule "A" (General Terms and Conditions) and any of the requirements of another schedule or a sub-schedule, Schedule "A" (General Terms and Conditions) will prevail to the extent of the inconsistency; or

(b) a schedule and any of the requirements of a sub-schedule, the schedule will prevail to the extent of the inconsistency.

3.0 COUNTERPARTS

3.1 **Counterparts.** The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

3.2 **Electronic Execution and Delivery of Agreement.**

(a) The Agreement may:

- (i) be executed and delivered by scanning the manually signed Agreement as a PDF and delivering it by email to the other Party; or
 - (ii) subject to the Province's prior written consent, be executed and delivered electronically to the other Party.
- (b) The respective electronic signature of the Parties is the legal equivalent of a manual signature.

4.0 AMENDING THE AGREEMENT

- 4.1 **Amending the Agreement.** The Agreement may only be amended by a written agreement.
- 4.2 **Execution of Amending Agreement.** An amending agreement for changes to the Agreement may be duly executed by the representatives of the Parties listed on the signature page below or in Schedule "B" (Contact Information and Authorized Representatives).

5.0 ACKNOWLEDGEMENT

- 5.1 **Acknowledgement.** The Recipient acknowledges that:
- (a) the Funds are to assist the Recipient with the Financial Impacts of the COVID-19 pandemic on the Recipient's transit system and not to provide goods or services to the Province;
 - (b) the Province is not responsible for the Recipient's transit system, including any Financial Impact; and
 - (c) the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Province in connection with the Recipient's transit system, any Financial Impact or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.
- 5.2 **Acknowledgement from Province.** The Province acknowledges that the Recipient is bound by the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario) and any information provided to the Recipient in connection with the Recipient's transit system, any Financial Impact or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

- SIGNATURE PAGE FOLLOWS -

The Parties have executed the Agreement on the dates set out below.

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO, represented by the Minister of Transportation for the Province of Ontario

Date

Name: Caroline Mulroney
Title: Minister

THE CORPORATION OF THE CITY OF LONDON

Date

Name: Ed Holder
Title: Mayor

I have authority to bind the Recipient.

Date

Name: Catharine Saunders
Title: City Clerk

I have authority to bind the Recipient.

**SCHEDULE “A”
GENERAL TERMS AND CONDITIONS**

A1.0 INTERPRETATION AND DEFINITIONS

A1.1 **Interpretation.** For the purposes of interpretation:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the headings do not form part of the Agreement; they are for reference only and will not affect the interpretation of the Agreement;
- (d) any reference to dollars or currency will be in Canadian dollars and currency; and
- (e) all accounting terms not otherwise defined in the Agreement have their ordinary meanings.

A1.2 **Definitions.** In the Agreement, the following terms will have the following meanings:

“Agreement” means this agreement, entered into between the Province and the Recipient, all of the schedules and the sub-schedule listed in section 1.1 (Schedules and Sub-schedule to the Agreement), and any amending agreement entered into pursuant to section 4.1 (Amending the Agreement).

“Authorities” means any government authority, agency, body or department, whether federal, provincial or municipal, having or claiming jurisdiction over the Recipient’s transit system, any Financial Impact, or the Agreement.

“Business Day” means any working day, Monday to Friday inclusive, excluding statutory and other holidays, namely: New Year’s Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day and any other day on which the Province has elected to be closed for business.

“Communications Activities” means, but is not limited to, public or media events or ceremonies including key milestone events, news releases, reports, web and social media products or postings, blogs, news conferences, public notices, physical and digital signs, publications, success stories and vignettes, photos, videos, multi-media content, advertising campaigns, awareness campaigns, editorials, multi-media products, and all related communication materials in respect of the Agreement.

“Effective Date” means the date of signature by the last signing Party to the Agreement.

“Eligible Expenditures” means the costs of the Financial Impacts that are eligible for funding by the Province under the Agreement, and that are further described in section C2.1 (Scope of Eligible Expenditures).

“Eligibility Period” means the period starting on or after October 1, 2020 and ending on or before March 31, 2021.

“Event of Default” has the meaning ascribed to it in section A12.1 (Events of Default).

“Expiry Date” means March 31, 2022.

“Financial Impacts” means the net revenue losses and additional net operating and capital costs the Recipient has incurred in respect of the Recipient’s municipal transit system as a result of the COVID-19 pandemic.

“Funds” means the money the Province provides to the Recipient pursuant to the Agreement.

“Indemnified Parties” means Her Majesty the Queen in right of Ontario, and includes Her ministers, agents, appointees, and employees.

“Ineligible Expenditures” means the costs that are ineligible for funding by the Province under the Agreement, and that are further described in section C3.1 (Scope of Ineligible Expenditures).

“Loss” means any cause of action, liability, loss, cost, damage, or expense (including legal, expert and consultant fees) that anyone incurs or sustains as a result of or in connection with the Recipient’s transit system, any Financial Impact or with any other part of the Agreement.

“Low-performing Route” means any bus route deemed by a Recipient as not meeting service objectives or where service has been reduced or cancelled for not meeting service objectives.

“Maximum Funds” means \$23,175,680.

“Notice” means any communication given or required to be given pursuant to the Agreement.

“Notice Period” means the period of time within which the Recipient is required to remedy an Event of Default, pursuant to paragraph A12.3(b), and includes any such period or periods of time by which the Province extends that time in accordance with section A12.4 (Recipient not Remediating).

“On-demand Microtransit” means small scale, flexible transportation services where rides are ordered on-demand.

“Parties” means the Province and the Recipient.

“Party” means either the Province or the Recipient.

“Proceeding” means any action, claim, demand, lawsuit, or other proceeding that anyone makes, brings or prosecutes as a result of or in connection with the Recipient’s transit system, any Financial Impact or with any other part of the Agreement.

“Records Review” means any assessment the Province conducts pursuant to section A7.4 (Records Review).

“Reports” means the reports described in Schedule “D” (Claim and Attestation Submission, Supporting Documentation and Payment Procedures).

“Requirements of Law” means all applicable requirements, laws, statutes, codes, acts, ordinances, approvals, orders, decrees, injunctions, by-laws, rules, regulations, official plans, permits, licences, authorizations, directions, and agreements with all Authorities.

“SRA Phase 1 Contribution” means the funding for the SRA Phase 1 the Province provided to the Recipient in September 2020 and that is further described in the 4th paragraph of the Background to the Agreement.

A2.0 REPRESENTATIONS, WARRANTIES AND COVENANTS

A2.1 General. The Recipient represents, warrants and covenants that:

- (a) it has, and will continue to have, the experience and expertise necessary to operate its transit system;
- (b) it is in compliance with, and will continue to comply with, all Requirements of Law related to any aspect of the Recipient’s transit system, Financial Impacts, and the Funds;
- (c) if Funds are used for acquired goods or services, or both, these were acquired in compliance with the Recipient’s policies and procedures and, to the extent possible under the COVID-19 pandemic unprecedented times, through a process that promotes the best value for the money;
- (d) it is in compliance with the insurance requirements set out in section A10.1 (Recipient’s Insurance); and

- (e) unless otherwise provided for in the Agreement, any information the Recipient provided to the Province in support of its request for funds including, without limitation, information relating to any eligibility requirements, the Recipient's transit system, any Financial Impact and related timelines was true and complete at the time the Recipient provided it and will continue to be true and complete.

A2.2 Execution of Agreement. The Recipient represents and warrants that it has:

- (a) the full power and authority to enter into the Agreement; and
- (b) taken all necessary actions to authorize the execution of the Agreement, including passing a municipal by-law authorizing the Recipient to enter into the Agreement.

A2.3 Governance. The Recipient represents, warrants, and covenants that it has, will maintain in writing, and will follow:

- (a) procedures to enable the Recipient to manage the Funds prudently and effectively;
- (b) procedures to address any identified risks to the Recipient's ability to claim Eligible Expenditures within the Eligibility Period, all in a timely manner;
- (c) procedures to enable the preparation and submission of all Reports required pursuant to Article A7.0 (Reporting, Accounting and Review); and
- (d) procedures to enable the Recipient to address such other matters as the Recipient considers necessary to carry out its obligations under the Agreement.

A2.4 Supporting Proof. Upon request of the Province and within the timelines set out in the request, the Recipient will provide the Province with proof of the matters referred to in this Article A2.0 (Representations, Warranties and Covenants).

A3.0 TERM OF THE AGREEMENT

A3.1 Term. The term of the Agreement will commence on the Effective Date and will expire on the Expiry Date unless terminated earlier pursuant to Article A11.0 (Termination on Notice) or Article A12.0 (Event of Default, Corrective Action, and Termination for Default).

A4.0 FUNDS

A4.1 Funds Provided. The Province will:

- (a) provide the Recipient up to the Maximum Funds for Eligible Expenditures;
- (b) provide the Funds to the Recipient in accordance with the payment procedures in Schedule “D” (Claim and Attestation Submission, Supporting Documentation and Payment Procedures); and
- (c) deposit the Funds into an account designated by the Recipient provided that the account:
 - (i) resides at a Canadian financial institution; and
 - (ii) is in the name of the Recipient.

A4.2 Limitation on Payment of Funds. Despite section A4.1 (Funds Provided):

- (a) in addition to any other limitations under the Agreement on the payment of Funds by the Province, the Province is not obligated to provide any Funds to the Recipient unless the Recipient fulfils the special conditions listed in section A27.1 (Special Conditions);
- (b) the Province may adjust the amount of Funds it provides to the Recipient based upon the Province’s assessment of one or more of the following events:
 - (i) of the information the Recipient provides to the Province pursuant to section A7.2 (Preparation and Submission); and
 - (ii) the SRA Phase 1 Contribution funding provided to the Recipient exceeds the additional municipal transit expenses the Recipient incurred, as a result of the COVID-19 pandemic, on or after April 1, 2020 and on or before September 30, 2020.

A4.3 Use of Funds. The Recipient will do all of the following:

- (a) spend the Funds only on Eligible Expenditures; and
- (b) not use the Funds to cover any Eligible Expenditure that has or will be funded or reimbursed by one or more of any third party, including any level of government, or ministry, agency, or organization of the Government of Ontario, other than the Province pursuant to the Agreement.

A4.4 **SRA Phase 1 Contribution, Rebates, Credits and Refunds.** The Province will calculate Funds based on the actual losses or costs to the Recipient for the Financial Impacts, less any actual losses or costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, SRA Phase 1 Contribution, a rebate, credit or refund.

A4.5 **Interest-Bearing Account.** If the Province provides Funds before the Recipient's immediate need for the Funds, the Recipient will place the Funds in an interest-bearing account in the name of the Recipient at a Canadian financial institution.

A4.6 **Interest.** If the Recipient earns any interest on the Funds, the Province may:

- (a) deduct an amount equal to the interest from any further instalments of Funds; or
- (b) demand from the Recipient the payment of an amount equal to the interest.

A5.0 RECIPIENT'S DISPOSAL OF ASSETS

A5.1 **Disposal.** The Recipient will not, without the Province's prior written consent and prior to the Expiry Date or earlier termination of the Agreement, sell, lease, or otherwise dispose of any asset purchased or created with the Funds.

A6.0 CONFLICT OF INTEREST

A6.1 **No Conflict of Interest.** The Recipient represents and warrants that there is and there will continue to be no conflict of interest in respect of any Eligible Expenditures claimed under the Agreement or the Financial Impacts and that the Recipient will use the Funds without an actual, potential, or perceived conflict of interest.

A6.2 **Conflict of Interest Includes.** For the purposes of this Article A6.0 (Conflict of Interest), a conflict of interest includes any circumstances where:

- (a) the Recipient; or
- (a) any person who has the capacity to influence the Recipient's decisions,

has outside commitments, relationships, or financial interests that could, or could be seen to, interfere with the Recipient's objective, unbiased, and impartial judgment relating to the Eligible Expenditures claimed under the Agreement, the Financial Impacts or the use of the Funds.

A6.3 Disclosure to Province. The Recipient will:

- (a) disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest; and
- (a) comply with any terms and conditions that the Province may prescribe as a result of the disclosure.

A7.0 REPORTING, ACCOUNTING AND REVIEW

A7.1 Province Includes. For the purposes of sections A7.4 (Records Review), A7.5 (Inspection and Removal) and A7.6 (Cooperation), “**Province**” includes any auditor or representative the Province may identify.

A7.2 Preparation and Submission. The Recipient will:

- (a) submit to the Province at the address referred to in section A15.1 (Notice in Writing and Addressed):
 - (i) all Reports in accordance with the timelines and content requirements as provided for in Schedule “D” (Claim and Attestation Submission, Supporting Documentation and Payment Procedures); and
 - (ii) any other reports in accordance with any timelines and content requirements the Province may specify from time to time; and
- (b) ensure that all Reports and other reports are:
 - (i) completed to the satisfaction of the Province; and
 - (ii) signed by an authorized signing officer of the Recipient.

A7.3 Record Maintenance. The Recipient will keep and maintain for a period of seven years from their creation:

- (a) proper and accurate financial accounts and records, kept in a manner consistent with generally accepted accounting principles in effect in Canada or with the public sector accounting standards approved or recommended by the Public Sector Accounting Board including, without limitation, its contracts, invoices, statements, receipts, and vouchers and any other evidence of payment relating to the Funds or otherwise to the Eligible Expenditures claimed under the Agreement or Financial Impacts; and

- (b) all non-financial records and documents relating to the Funds or otherwise to the Eligible Expenditures claimed under the Agreement or Financial Impacts.

A7.4 **Records Review.** The Province may, at its own expense, upon twenty-four hours' Notice to the Recipient and during normal business hours, enter upon the Recipient's premises to conduct an audit or investigation of the Recipient regarding the Recipient's compliance with the Agreement, including assessing any of the following:

- (a) the truth of any of the Recipient's representations and warranties; and
- (b) the Recipient's allocation and expenditure of the Funds.

A7.5 **Inspection and Removal.** For the purposes of any Records Review, the Province may take one or more of the following actions:

- (a) inspect and copy any records and documents referred to in section A7.3 (Record Maintenance); and
- (b) remove any copies the Province makes pursuant to section A7.5(a).

A7.6 **Cooperation.** To assist the Province in respect of its rights provided for in section A7.5 (Inspection and Removal), the Recipient will cooperate with the Province by:

- (a) ensuring that the Province has access to the records and documents including, without limitation, paid invoices and original receipts, wherever they are located;
- (b) assisting the Province in copying records and documents;
- (c) providing to the Province, in the form the Province specifies, any information the Province identifies; and
- (d) carrying out any other activities the Province requests.

A7.7 **No Control of Records.** No provision of the Agreement will be construed so as to give the Province any control whatsoever over the Recipient's records.

A7.8 **Auditor General.** The Province's rights under Article A7.0 (Reporting, Accounting and Review) are in addition to any rights provided to the Auditor General pursuant to section 9.2 of the *Auditor General Act* (Ontario).

A8.0 COMMUNICATIONS REQUIREMENTS

A8.1 Acknowledge Support. Unless the Province directs the Recipient to do otherwise, the Recipient will in each of its Agreement-related publications whether written, oral or visual:

- (a) acknowledge the support of the Province for the Funds provided under the Agreement;
- (b) ensure that any acknowledgement is in a form and manner as the Province directs; and
- (c) indicate that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

A8.2 Request from the Province in Respect of Communications Activities. The Recipient will, upon Notice from the Province, provide the Province with any information the Province may request in respect of any Communications Activities.

A9.0 INDEMNITY

A9.1 Indemnification. The Recipient will indemnify and hold harmless the Indemnified Parties from and against any Loss and any Proceeding, unless solely caused by the negligence or wilful misconduct of the Indemnified Parties.

A10.0 INSURANCE

A10.1 Recipient's Insurance. The Recipient is responsible for its own insurance and has been carrying, at its own costs and expense, and requiring the same from its subcontractors, all the necessary and appropriate insurance that a prudent municipality in similar circumstances would maintain in order to protect itself and the Indemnified Parties and support the Recipient's indemnification set out in section A9.1 (Indemnification). For greater certainty, the Recipient is not covered by the Province of Ontario's insurance program and no protection will be afforded to the Recipient by the Government of Ontario for any Loss or Proceeding that may arise out of the Financial Impacts or the Agreement.

A11.0 TERMINATION ON NOTICE

A11.1 Termination on Notice. The Province may terminate the Agreement at any time without liability, penalty, or costs upon giving at least 30 days' Notice to the Recipient.

A11.2 Consequences of Termination on Notice by the Province. If the Province terminates the Agreement pursuant to section A11.1 (Termination on Notice), the Province may take one or more of the following actions:

- (a) cancel all further instalments of Funds; and
- (b) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient.

A12.0 EVENT OF DEFAULT, CORRECTIVE ACTION, AND TERMINATION FOR DEFAULT

A12.1 Events of Default. It will constitute an Event of Default if, in the opinion of the Province, the Recipient breaches any representation, warranty, covenant, or other material term of the Agreement including, without limitation, failing to do any of the following in accordance with the terms and conditions of the Agreement:

- (a) use or spend any of the Funds or related interest for a purpose other than that contemplated under the Agreement without the prior written consent of the Province; or
- (b) provide, in accordance with section A7.2 (Preparation and Submission), Reports or such other reports as may have been requested pursuant to paragraph A7.2(b).

A12.2 Consequences of Events of Default and Corrective Action. If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) provide the Recipient with an opportunity to remedy the Event of Default;
- (b) suspend the payment of Funds for such period as the Province determines appropriate;
- (c) reduce the amount of the Funds;
- (d) cancel all further instalments of Funds;
- (e) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient;
- (f) demand from the Recipient the payment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;

- (g) demand from the Recipient the payment of an amount equal to any Funds the Province provided to the Recipient;
- (h) demand from the Recipient the payment of an amount equal to the costs the Province incurred or incurs to enforce its rights under the Agreement, including the costs of any Record Review and the costs it incurs to collect any amounts the Recipient owes to the Province; and
- (i) terminate the Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient.

A12.3 Opportunity to Remedy. If, in accordance with paragraph A12.2(a), the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will provide Notice to the Recipient of:

- (a) the particulars of the Event of Default; and
- (b) the Notice Period.

A12.4 Recipient not Remediating. If the Province has provided the Recipient with an opportunity to remedy the Event of Default pursuant to paragraph A12.2(a), and:

- (a) the Recipient does not remedy the Event of Default within the Notice Period;
- (b) it becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or
- (c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province,

the Province may extend the Notice Period, or initiate any one or more of the actions provided for in paragraphs A12.2 (b), (c), (d), (e), (f), (g), (h) and (i).

A12.5 When Termination Effective. Termination under this Article A12.0 (Event of Default, Corrective Action, and Termination for Default) will take effect as provided for in the Notice.

A13.0 FUNDS UPON EXPIRY

A13.1 Funds Upon Expiry. The Recipient will, upon expiry of the Agreement, pay to the Province any Funds and SRA Phase 1 Contribution and related interest remaining in its possession or under its control.

A14.0 DEBT DUE AND PAYMENT

A14.1 Payment of Overpayment. If at any time the Province provides Funds in excess of the amount to which the Recipient is entitled under the Agreement, the Province may:

- (a) deduct an amount equal to the excess Funds from any further instalments of Funds; or
- (b) demand that the Recipient pay an amount equal to the excess Funds to the Province.

A14.2 Debt Due. If, pursuant to the Agreement:

- (a) the Province demands from the Recipient the payment of any Funds or an amount equal to any Funds; or
- (b) the Recipient owes any Funds or SRA Phase 1 Contribution, or an amount equal to any Funds or SRA Phase 1 Contribution to the Province, whether or not the Province has demanded their payment,

such amounts will be deemed to be a debt due and owing to the Province by the Recipient, and the Recipient will pay the amounts to the Province immediately, unless the Province directs otherwise.

A14.3 Interest Rate. The Province may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

A14.4 Payment of Money to Province. The Recipient will pay any money owing to the Province by cheque payable to the "Ontario Minister of Finance" and delivered to the Province as provided for in Schedule "B" (Contact Information and Authorized Representatives).

A14.5 Fails to Pay. Without limiting the application of section 43 of the *Financial Administration Act* (Ontario), if the Recipient fails to pay any amount owing under the Agreement, Her Majesty the Queen in right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in right of Ontario.

A15.0 NOTICE

A15.1 Notice in Writing and Addressed. Notice will be:

- (a) in writing;

- (b) delivered by email, postage-prepaid mail, personal delivery or courier; and
- (c) addressed to the Province and the Recipient as set out in Schedule “B” (Contact Information and Authorized Representatives), or as either Party later designates to the other by Notice.

A15.2 Notice Given. Notice will be deemed to have been given:

- (a) in the case of postage-prepaid mail, five Business Days after the Notice is mailed; and
- (b) in the case of email, personal delivery or courier on the date on which the Notice is delivered.

A15.3 Postal Disruption. Despite paragraph A15.2(a), in the event of a postal disruption:

- (a) Notice by postage-prepaid mail will not be deemed to be given; and
- (b) the Party giving Notice will provide Notice by email, personal delivery or courier.

A16.0 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT

A16.1 Consent. When the Province provides its consent pursuant to the Agreement:

- (a) it will do so by Notice;
- (b) it may attach any terms and conditions to the consent; and
- (c) the Recipient may rely on the consent only if the Recipient complies with any terms and conditions the Province may have attached to the consent.

A17.0 SEVERABILITY OF PROVISIONS

A17.1 Invalidity or Unenforceability of Any Provision. The invalidity or unenforceability of any provision of the Agreement will not affect the validity or enforceability of any other provision of the Agreement.

A18.0 WAIVER

A18.1 Waiver Request. Either Party may, by Notice, ask the other Party to waive an obligation under the Agreement.

A18.2 **Waiver Applies.** If in response to a request made pursuant to section A18.1 (Waiver Request) a Party consents to a waiver, the waiver will:

- (a) be valid only if the Party that consents to the waiver provides the consent by Notice; and
- (b) apply only to the specific obligation referred to in the waiver.

A19.0 INDEPENDENT PARTIES

A19.1 **Parties Independent.** The Recipient is not an agent, joint venturer, partner, or employee of the Province, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship.

A20.0 ASSIGNMENT OF AGREEMENT OR FUNDS

A20.1 **No Assignment.** The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under the Agreement.

A20.2 **Agreement Binding.** All rights and obligations contained in the Agreement will extend to and be binding on:

- (a) the Recipient's successors, and permitted assigns; and
- (b) the successors to Her Majesty the Queen in right of Ontario.

A21.0 GOVERNING LAW

A21.1 **Governing Law.** The Agreement and the rights, obligations and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

A22.0 FURTHER ASSURANCES

A22.1 **Agreement into Effect.** The Recipient will:

- (a) provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains; and

- (b) do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

A23.0 JOINT AND SEVERAL LIABILITY

A23.1 **Joint and Several Liability.** Where the Recipient is comprised of more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under the Agreement.

A24.0 RIGHTS AND REMEDIES CUMULATIVE

A24.1 **Rights and Remedies Cumulative.** The rights and remedies of the Province under the Agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

A25.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS

A25.1 **Other Agreements.** If the Recipient:

- (a) has failed to comply with any term, condition or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a “**Failure**”);
- (b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and
- (d) such Failure is continuing,

the Province may suspend the payment of Funds for such period as the Province determines appropriate.

A26.0 SURVIVAL

A26.1 Survival. The following Articles, sections and paragraphs, and all applicable cross-referenced Articles, sections, paragraphs, schedules and sub-schedules, will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement: Article 1.0 (Entire Agreement), paragraph 3.2(b), Articles 2.0 (Conflict or Inconsistency), 5.0 (Acknowledgment), and A1.0 (Interpretation and Definitions) and any other applicable definitions, paragraph A2.1(a), sections A4.4 (SRA Phase 1 Contribution, Rebates, Credits and Refunds), A5.1 (Disposal), A7.1 (Province Includes), A7.2 (Preparation and Submission) to the extent that the Recipient has not provided the Reports or other reports as may have been requested to the satisfaction of the Province, A7.3 (Record Maintenance), A7.4 (Records Review), A7.5 (Inspection and Removal), A7.6 (Cooperation), A7.7 (No Control of Records), A7.8 (Auditor General), Articles A8.0 (Communications Requirements) and A9.0 (Indemnity), sections A11.2 (Consequences of Termination on Notice by the Province) and A12.1 (Events of Default), paragraphs A12.2 (b), (c), (d), (e), (f), (g), (h) and (i), Articles A13.0 (Funds Upon Expiry), A14.0 (Debt Due and Payment), A15.0 (Notice) and A17.0 (Severability of Provisions), section A20.2 (Agreement Binding), Articles A21.0 (Governing Law), A23.0 (Joint and Several Liability), and A24.0 (Rights and Remedies Cumulative), and this Article A26.0 (Survival).

A27.0 SPECIAL CONDITIONS

A27.1 Special Conditions. The Province's funding under the Agreement is conditional upon,

- (a) on or before the Effective Date, the Recipient providing the Province with:
 - (i) a copy of the by-law(s) and, if applicable, any council resolution(s) authorizing the execution of the Agreement by the Recipient;
 - (ii) the necessary information, including a void cheque or a blank letter, to facilitate an electronic transfer to an interest-bearing account in the name of the Recipient at a Canadian financial institution; and
 - (iii) the reporting form required for Phase 1 with the details on the use of the SRA Phase 1 Contribution and a forecast of Eligible Expenditures for the Eligibility Period; and
- (b) the Recipient, together with its claim for payment and to promote ridership growth and transit sustainability objectives, providing the Province with an attestation that the Recipient:

- (i) has engaged or will engage, as requested and in a manner to be specified by the Province, including share information, with the Province to determine the benefit of optional consolidated procurement of specific COVID-19 pandemic related items;
- (ii) has considered or will consider whether On-demand Microtransit, or other service innovations, would better serve Low-performing Routes or cancelled or new routes than traditional fixed-route service as part of the Recipient's regular service reviews;
- (iii) has engaged or will engage, as requested and in a manner to be specified by the Province, with the Province or Metrolinx, or both, on lessons learned and capacity building to support future consideration of On-demand Microtransit by the Recipient;
- (iv) has participated or will participate, as requested and in a manner to be specified by the Province, in discussions lead by the Province or Metrolinx, or both, on improved fare and service integration and work toward implementing options that would improve the rider experience; and
- (v) has requested in writing, provincial assistance in discussions to transform transit delivery between neighboring municipal governments, where there is a local interest and benefit to pursuing structural reforms.

For greater certainty, if the Province provides any Funds to the Recipient prior to any of the conditions set out in this Article A27.0 (Special Conditions) having been met, and has not otherwise waived compliance with such condition in writing, the Province may exercise one or more of the remedies available to it pursuant to section A12.4 (Recipient Not Remediating).

- END OF GENERAL TERMS AND CONDITIONS -

**SCHEDULE “B”
CONTACT INFORMATION AND AUTHORIZED REPRESENTATIVES**

<p>Contact information for the purposes of Notice to the Province</p>	<p>Address: Strategic Investments Office Ministry of Transportation 777 Bay, 30th Floor Toronto, ON M7A 2J8</p> <p>Attention: Kevin Dowling, Manager, Strategic Investments Office</p> <p>Phone: (416) 859-7912 Email: kevin.dowling@ontario.ca</p>
<p>Contact information for the purposes of Notice to the Recipient</p>	<p>Address: 450 Highbury Avenue North London, ON N5W 5L2</p> <p>Attention: Kelly Paleczny, General Manager, London Transit Commission</p> <p>Phone: (519) 451-1340 x337 Email: kpaleczn@londontransit.ca</p>
<p>Contact information for the senior financial official in the Recipient organization (e.g., CFO, CAO) – to respond as required to requests from the Province in respect of the Agreement</p>	<p>Address: 300 Dufferin Avenue, PO Box 5035 London, ON N6A 4L9</p> <p>Attention: Anna Lisa Barbon, Managing Director, Corporate Services and City Treasurer, Chief Financial Officer</p> <p>Phone: (519) 661-2489 x4705 Email: abarbon@london.ca</p>
<p>Authorized representative of the Province for the purpose of section 4.2 (Execution of Amending Agreements)</p>	<p>Position: Director, Municipal Programs Branch, Ministry of Transportation</p>
<p>Authorized representative of the Recipient for the purpose of section 4.2 (Execution of Amending Agreements)</p>	<p>Position: Managing Director, Corporate Services and City Treasurer, Chief Financial Officer</p>

**SCHEDULE “C”
ELIGIBLE EXPENDITURES AND INELIGIBLE EXPENDITURES**

C1.0 Definitions. In this Schedule “C” (Eligible Expenditures and Ineligible Expenditures), the following terms will have the following meanings:

“**MTEC**” means the Municipal Transit Enhanced Cleaning (MTEC) funding provided to Ontario municipalities for costs incurred related to the enhanced cleaning of transit vehicles and any other public and non-public facing transit assets resulting from the COVID-19 pandemic.

“**Operating Budget**” means the Recipient’s 2020 operating budget which has been prepared and adopted by the Recipient as required by section 290(1) of the *Municipal Act, 2001*.

C2.0 ELIGIBLE EXPENDITURES

C2.1 Scope of Eligible Expenditures. Eligible Expenditures include, at the Province’s sole discretion, the following Financial Impacts incurred during the Eligibility Period:

Revenue Losses

- (a) The following revenue losses measured against the Operating Budget (i.e., (revenue amount in the Operating Budget minus the actual revenue amount during the Eligibility Period) minus the non-COVID-19 pandemic revenue amount = the eligible revenue loss amount), that, in the opinion of the Province, the Recipient properly and reasonably incurred as a result of the COVID-19 pandemic will be considered Eligible Expenditures:
- (i) farebox revenue losses;
 - (ii) advertising revenue losses;
 - (iii) parking revenue losses;
 - (iv) contract revenue losses; and
 - (v) any other revenue loss the Recipient incurred as a result of the COVID-19 pandemic that, in the opinion of the Province, is considered eligible.

Operating Costs

- (b) The following operating costs measured against the Operating Budget (i.e., (operating costs amount in the Operating Budget minus the actual operating costs amount during the Eligibility Period) minus the non-COVID-19 pandemic operating costs amount = the eligible operating costs amount) that, in the opinion of the Province, the Recipient properly and reasonably incurred and paid as a result of the COVID-19 pandemic will be considered Eligible Expenditures:
- (i) costs associated with vehicle cleaning, except for those for which MTEC funds have been provided or claimed;
 - (ii) costs associated with changes in fuel consumption (e.g., increases due to running additional buses or savings in consumption relating to lower service levels than budgeted, or both);
 - (iii) costs associated with vehicle maintenance;
 - (iv) costs associated with transit facilities;
 - (v) costs resulting from existing contracts with expanded scope/new contracts;
 - (vi) employee related costs (i.e., salaries, wages, benefits);
 - (vii) costs for employee personal protection equipment (e.g., face masks, gloves, sanitizer);
 - (viii) costs for signage and other means of communications related to the COVID-19 pandemic (e.g., social distance guidance); and
 - (ix) any other operating cost the Recipient incurred as a result of the COVID-19 pandemic that, in the opinion of the Province, is considered eligible.

Capital Costs

- (c) The following capital costs that, in the opinion of the Province, the Recipient properly and reasonably incurred and paid as a result of the COVID-19 pandemic, will be considered Eligible Expenditures:
- (i) costs associated with installing driver protection barriers and other protection measures for transit drivers;
 - (ii) costs associated with providing passenger protection equipment and other passenger safety measures; and

- (iii) any other capital cost the Recipient incurred as a result of the COVID-19 pandemic that, in the opinion of the Province, is considered eligible.

C3.0 INELIGIBLE EXPENDITURES

C3.1 Scope of Ineligible Expenditures. Unless a cost or a loss is considered an Eligible Expenditure pursuant to section C2.1 (Scope of Eligible Expenditures), such cost or loss will be considered an Ineligible Expenditure. Without limitation, the following costs and loss will be considered Ineligible Expenditures:

- (a) costs incurred outside of the Eligibility Period;
- (b) costs not paid prior to having been submitted to the Province for payment;
- (c) Recipient's staff, including permanent and seasonal, salaries and travel costs unless otherwise indicated in paragraph (b)(vi) of section C2.1 (Scope of Eligible Expenditures);
- (d) legal, audit, or interest fees;
- (e) costs for which MTEC funds have been provided or claimed;
- (f) any operating or capital cost that, in the opinion of the Province, the Recipient could not have properly and reasonably incurred or paid, or both, during the Eligibility Period and as a result of the COVID-19 pandemic (i.e., excess purchases or stockpiling);
- (g) any loss that, in the opinion of the Province, the Recipient could not have properly and reasonably incurred during the Eligibility Period and as a result of the COVID-19 pandemic;
- (h) refundable Harmonized Sales Tax or other refundable expenses; and
- (i) any other cost which is not specifically listed as an Eligible Expenditure under section C2.1 (Scope of Eligible Expenditure) and which, in the opinion of the Province, is considered ineligible.

**SCHEDULE “D”
CLAIM AND ATTESTATION SUBMISSION,
SUPPORTING DOCUMENTATION AND PAYMENT PROCEDURES**

D1.0 CLAIM AND ATTESTATION

D1.1 Claim and Attestation from the Recipient’s Senior Financial Official. The Recipient will use the form in Sub-schedule “D.1” (Claim and Attestation Form) for the submission of its claim for payment.

D2.0 SUPPORTING DOCUMENTATION

D2.1 Report on Expenditures and Additional Report and Information. The Recipient will, together with the claim form described in section D1.1 (Claim and Attestation from the Recipient’s Senior Financial Official), submit the following supporting documentation with its claim for payment:

- (a) a report on expenditures using the form in Appendix A (Form of Report on Expenditures) to Sub-schedule “D.1” (Claim and Attestation Form); and
- (b) any additional reports or information, or both, the Province may request at its sole discretion and in a form provided by the Province.

D3.0 PAYMENT PROCEDURES

D3.1 Submission of Claim for Payment and Required Documentation. The Recipient will submit its claim for payment, together with the supporting documentation set out in section D1.1 (Claim and Attestation from the Recipient’s Senior Financial Official) and section D2.1 (Report on Expenditures and Additional Report and Information) on or before May 31, 2021, or at a later date upon Notice from the representative of the Province on the signature page above or in Schedule “B” (Contact Information and Authorized Representatives).

D3.2 Claim Payments. Subject to the terms and conditions set out in the Agreement and if due and owing under the Agreement, the Province will use its reasonable efforts to make the payment to the Recipient for the claim submitted pursuant to section D3.1 (Submission of Claim for Payment and Required Documentation) in a timely manner.

D3.3 No Interest. The Province will under no circumstances be liable for interest for failure to make a payment within the time limit provided for in section D3.2 (Claim Payments).

D3.4 **No Obligation to Pay.** For greater clarity and without limitation to any other right of the Province, the Province will have no obligation to pay a claim if it does not meet the terms and conditions of the Agreement including, without limitation, if the claim is missing any of the required supporting documentation or is submitted after May 31, 2021, or at a later date upon Notice from the representative of the Province on the signature page above or in Schedule “B” (Contact Information and Authorized Representatives), or both.

**SUB-SCHEDULE “D.1”
CLAIM AND ATTESTATION FORM**

TO: Ministry of Transportation
Transportation Programs Office

Attention: Manager, Transportation Programs Office

Email: MTO-COVID_Transit_Funding@ontario.ca

FROM: **[Insert name of Recipient]**

Attention: **[insert name and title of Recipient senior official]**

Telephone No.: **[insert telephone number of Recipient senior official]**

RE: Safe Restart Agreement – Phase 2 Municipal Transit Funding

In the matter of the Safe Restart Agreement (SRA) – Phase 2 Municipal Transit Funding entered into between Her Majesty the Queen in right of Ontario, represented by the Minister of Transportation for the Province of Ontario, and the **[insert the legal name of the Recipient]** (the “Recipient”), on _____, _____ (the “Agreement”).

I, _____ **[insert the name and title of the Recipient’s senior official]**, an authorized representative of the Recipient, having made such inquiries as I have deemed necessary for this attestation, hereby certify that to the best of my knowledge, information and belief.

On the date set out below:

- 1) all representations and warranties contained in Article A2.0 (Representations, Warranties, and Covenants) of Schedule “A” (General Terms and Conditions) to the Agreement are true and correct.
- 2) the Recipient is in compliance with all the terms and conditions of the Agreement.;
- 3) the information in respect of the Eligible Expenditures that is contained in the attached Appendix A (Report on Expenditures) is true and correct.
- 4) the Eligible Expenditures claimed in the attached Appendix A (Report on Expenditures) have:
 - (a) in respect of the losses, been incurred during the Eligibility Period;

- (b) in respect of the operating and capital costs, been incurred during the Eligibility Period;
 - (c) have only been expended on Financial Impacts as defined in section A1.2 (Definitions) of the Agreement;
 - (d) have not been and will not be funded or reimbursed through any other funding program; and
 - (e) have not replaced the budgeted subsidy that the Recipient provides to transit operations.
- 5) the Recipient has not received and will not receive SRA Phase 1 Contribution, a rebate, credit or refund for any Eligible Expenditures claimed or, if it did, those were deducted from the Eligible Expenditures claimed.
- 6) the Recipient is in compliance with all of the reporting requirements of the Agreement.
- 7) the Recipient:
- (a) has engaged or will engage, as requested and in a manner to be specified by the Province, including share information, with the Province to determine the benefit of optional consolidated procurement of specific COVID-19 pandemic related items;
 - (b) has considered or will consider whether On-demand Microtransit, or other service innovations, would better serve Low-performing Routes, cancelled or new routes than traditional fixed-route service as part of the Recipient's regular service reviews;
 - (c) has engaged or will engage, as requested and in a manner to be specified by the Province, with the Province or Metrolinx, or both, on lessons learned and capacity building to support future consideration of On-demand Microtransit by the Recipient;
 - (d) has participated or will participate, as requested and in a manner to be specified by the Province, in discussions lead by the Province or Metrolinx, or both, on improved fare and service integration and work toward implementing options that would improve the rider experience; and
 - (e) has requested, in writing, provincial assistance in discussions to transform transit delivery between neighboring municipal governments, where there is a local interest and benefit to pursuing structural reforms.

By signing below, I hereby claim payment in the amount of \$ _____, on behalf of the Recipient, on account of the Province's contribution towards the Eligible Expenditures of the Agreement.

Declared at _____ (city), in the Province of Ontario, this _____ day of _____, 20_____.

(Signatures)

Name:

Title:

I have authority to bind the Recipient.

**APPENDIX A
FORM OF REPORT ON EXPENDITURES
TO
SUB-SCHEDULE "D.1" (CLAIM AND ATTESTATION FORM)**

Safe Restart Agreement (SRA) Phase 2 Municipal Transit Funding Expenditure Report for the Eligibility Period	
Date:	
Recipient's Name:	
Total Funds Allocated:	
Total Funds Claimed:	
Remaining Allocation:	

<i>See Schedule "C" (Eligible Expenditures & Ineligible Expenditures, including Articles C2.0 (Eligible Expenditures) & C 3.0 (Ineligible Expenditures) for details on Eligible Expenditures & Ineligible Expenditures</i>		October 2020	November 2020	December 2020	January 2021	February 2021	March 2021	[Note: If the Eligibility Period is extended pursuant to section 1.2 (Definitions) of the Agreement, add a new column for each additional month]	Total
Revenue Losses	Farebox								
	Advertising								
	Parking								
	Contracts (e.g., school)								
	Other Revenue ¹								
Operating Costs	Vehicle Cleaning ²								
	Changes in Fuel Consumption								
	Vehicle Maintenance								
	Transit Facilities								
	Existing Contracts with Expanding Scope/New Contracts								
	Employee								
	Employee PPE								

	Communications								
	Other Operating Costs ³								
Capital Costs	Driver Protection								
	Passenger Protection								
	Other Capital Costs ⁴								
Net Monthly Impact - Pressure/(Savings):									
Cumulative Impact - Pressure/(Savings):									

¹Other revenue impacts beyond those listed above

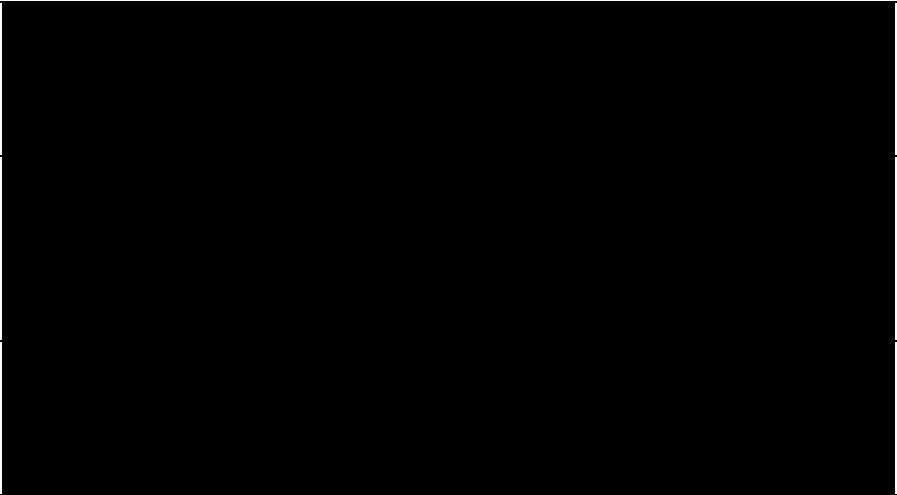
²Cleaning costs beyond costs reimbursed through Municipal Transit Enhancement Cleaning funding

³Additional COVID related operating costs beyond those listed above

⁴See workbook tab and/or comments for details

The Recipient attests to the following conditions from the drop-down menu, as outlined in Schedule A (General Terms and Conditions), paragraph 27.1(b) of the Transfer Payment Agreement,

Condition	Select
Has engaged or will engage, as requested and in a manner to be specified by the Province, including share information, with the Province to determine the benefit of optional consolidated procurement of specific COVID-19 pandemic related items.	
Has considered or will consider whether On-demand Microtransit, or other service innovations, would better serve low-performing, cancelled or new routes than traditional fixed-route service as part of the Recipient's regular service reviews.	

<p>Has engaged or will engage, as requested and in a manner to be specified by the Province, with the Province or Metrolinx, or both, on lessons learned and capacity building to support future consideration of On-demand Microtransit by the Recipient.</p>		
<p>Has participated or will participate, as requested and in a manner to be specified by the Province, in discussions lead by the Province or Metrolinx, or both, on improved fare and service integration and work toward implementing options that would improve the rider experience.</p>		
<p>Has requested, in writing, provincial assistance in discussions to transform transit delivery between neighboring municipal governments, where there is a local interest and benefit to pursuing structural reforms.</p>		

Results Achieved with Provincial Funding:

Additional Comments:

Conclusion:

Recommended for payment:

Date:

Recommended for payment:

Date:

**[insert/print the name and title of the Recipient's
authorized representative]**

**[insert/print the name of the
Director]
Director, Ministry of Transportation**