



# Council Agenda Including Addeds

2nd Meeting of City Council

December 21, 2021, 4:00 PM

2021 Meeting - Virtual Meeting during the COVID-19 Emergency

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Pages

**1. Disclosures of Pecuniary Interest**

**2. Recognitions**

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

**4. Council, In Closed Session**

**4.1. Solicitor-Client Privilege / Litigation or Potential Litigation**

A matter pertaining to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Ontario Land Tribunal ("OLT), and for the purpose of providing instructions and directions to officers and employees of the Corporation (6.1/1/PEC)

**4.2. Land Acquisition / Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations**

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality. (6.1/1/CSC)

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

**5.1. 1st Meeting Held on December 7, 2021**

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**6. Communications and Petitions**

**6.1. Environmental Management Guidelines**

(Refer to the Planning and Environment Committee Stage for Consideration with Item 21 (3.8) of the 1st Report of the Planning and Environment Committee)

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	(Refer to the Corporate Services Committee Stage for Consideration with Item 4 (4.1) of the 1st Report of the Corporate Services Committee)	
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8.1.	1st Report of the Civic Works Committee	102
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3.	(2.1) 10th Report of the Transportation Advisory Committee	
4.	(2.3) Highbury Avenue South Rehabilitation Project	
5.	(2.2) Supply and Delivery of Transit Signal Priority and Emergency Vehicle Preemption System	
6.	(2.4) Unwanted Water: Quantifying Inflow and Infiltration in London's Wastewater Sewer System	
7.	(4.1) A Conceptual Framework for Regional Transportation in London	
8.	(5.1) Deferred Matters List	
8.2.	1st Report of the Planning and Environment Committee	106
1.	(1.1) Disclosures of Pecuniary Interest	
2.	(1.2) Election of Vice Chair for the Term ending November 14, 2022	
3.	(2.1) 355 Middleton Avenue (H-9363) (Relates to Bill No. 52)	
4.	(2.2) 890 Upperpoint Avenue (H-9392) (Relates to Bill No. 53)	
5.	(2.3) 890 Upperpoint Avenue (P-9358)	
6.	(2.4) 1478 Westdel Bourne (H-9411) (Relates to Bill No. 54)	
7.	(2.5) 1235 Fanshawe Park Road West (H-9287) (Relates to Bill No. 55)	
8.	(2.7) 1225 Hyde Park Road (H-9419) (Relates to Bill No. 56)	
9.	(2.8) 1150 Byron Baseline Road (H-9424) (Relates to Bill No. 57)	

10. (2.9) 613 Superior Drive (33M-680)
  11. (2.10) 59 Albion Street (HAP21-79-L)
  12. (2.11) October, 2021 Building Division Monthly Report
  13. (2.6) Transit-Oriented Secondary Plan Prioritization
  14. (3.1) 876 Wellington Road (Z-9380) (Relates to Bill No. 58)
  15. (3.2) 4270 Lismer Lane (Z-9494) (Relates to Bill No. 59)
  16. (3.3) 1955 Jim Hebb Way (Z-9382) (Relates to Bill No. 60)
  17. (3.4) 506 Oxford Street East (OZ-9397) (Relates to Bill No.'s 43 and 61)
  18. (3.5) 1408 Ernest Avenue (Z-9385) (Relates to Bill No. 62)
  19. (3.6) 978 Gainsborough Road (Z-9247)
  20. (3.7) 414-418 Old Wonderland Road (SPA20-103)
  21. (3.8) Environmental Management Guidelines (Relates to Bill No. 41)
  22. (3.9) 50 King Street - Demolition Request
  23. (4.1) 1st Report of the Advisory Committee on the Environment
  24. (4.2) 9th Report of the Trees and Forests Advisory Committee
  25. (4.3) Request for Council Resolution, under Section 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13 - 1919-1929 Oxford Street West
  26. (5.1) Deferred Matters List
  27. (5.2) 1st Report of the London Advisory Committee on Heritage
- 8.3. 1st Report of the Community and Protective Services Committee 140
1. (1.1) Disclosures of Pecuniary Interest
  2. (1.2) Election of Vice-Chair for the term ending November 14, 2022
  3. (2.1) 9th Report of the Accessibility Advisory Committee
  4. (2.2) Agreement for London and Middlesex Local Immigration Partnership with Immigration, Refugees and Citizenship Canada (Relates to Bill No. 39)
  5. (2.3) Administrative Monetary Penalties - Application to Municipal By-laws and Housekeeping Amendments (Relates to Bill No's. 42, 44, 45, 46 and 47)
  6. (2.4) Single Source (SS21-49) Reaching Home Capital Projects (Relates to Bill No. 40)

7.	(2.5) Housing Stability Services - Housing Stability Bank Single Source Procurement SS21-48	
8.	(5.1) Deferred Matters List	
8.4.	1st Report of the Corporate Services Committee	145
1.	(1.1) Disclosures of Pecuniary Interest	
2.	(1.2) Election of Vice Chair for the term ending November 14, 2022	
3.	(2.1) Restricted Acts of Council After Nomination Day and Voting Day	
4.	(4.1) Delegation Request - B. Benedict - Public Notice Amendment	
5.	(5.1) 2021 Accessibility Compliance Report	
8.5.	1st Report of the Strategic Priorities and Policies Committee	148
1.	Disclosures of Pecuniary Interest	
2.	(3.1) 2022 Annual Budget Update Presentation	
3.	(4.1) Review of Recommended Property Tax Operating Budget Amendments (2022-2023 totals rounded to the closest \$1,000)	
4.	(4.2) 2021 Middlesex-London Health Unit Funding Request	
5.	(4.3) Review of Consideration Property Tax Operating Budget Amendments (2022-2023 totals rounded to the closest \$1,000)	
6.	(4.4) Review of Recommended Property Tax Capital Budget Amendments (2022-2023 totals rounded to the closest \$1,000)	
7.	(4.5) Reserves and Reserve Funds Overview	
8.	(4.6) Debt Overview	
9.	(4.7) Reconciliation of the Draft Property Tax Budget to the Public Sector Accounting Board Budget	
10.	(4.8) Operating Budget	
11.	(4.9) Capital Budget	
12.	(4.10) By-laws Regarding Tax Levy, Operating and Capital Budgets	
13.	(4.11) Review of Water Budget Amendments (2022-2023 totals rounded to the closest \$1,000)	
14.	(4.12) Water Reserves/Reserve Funds Overview	
15.	(4.13) Reconciliation of the Draft Water Budget to the Public Sector Accounting Board Budget	
16.	(4.14) Water Services	

17. (4.15) Review of Wastewater and Treatment Budget Amendments (2022-2023 totals rounded to the closest \$1,000)
18. (4.16) Wastewater and Treatment Reserves/Reserve Funds Overview
19. (4.17) Reconciliation of the Draft Wastewater and Treatment Budget to the Public Sector Accounting Board Budget
20. (4.18) Wastewater and Treatment Services

**9. Added Reports**

- 9.1. 2nd Report of Council in Closed Session

**10. Deferred Matters**

**11. Enquiries**

- 11.1. Update on Islamophobia Directions and NCCM Recommendations

1. Councillors J. Morgan and M. Hamou 164

**12. Emergent Motions**

- 12.1. *(ADDED) Opposition to the Province of Quebec's Bill 21*

1. *(ADDED) Mayor E. Holder and Councillors M. Hamou and J. Morgan* 165

**13. By-laws**

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

- 13.1. Bill No. 38 By-law No. A.- \_\_\_\_\_ - \_\_\_\_ 166

A by-law to confirm the proceedings of the Council Meeting held on the 21st day of December, 2021. (City Clerk)

- 13.2. Bill No. 39 By-law No. A.- \_\_\_\_\_ - \_\_\_\_ 167

A by-law to authorize and approve the Contribution Agreement with Her Majesty the Queen in Right of Canada, as represented by the Minister of Immigration, Refugees and Citizenship Canada: London & Middlesex Local Immigration Partnership. (2.2/1/CPSC)

- 13.3. Bill No. 40 By-law No. A.- \_\_\_\_\_ - \_\_\_\_ 192

A by-law to approve a standard form Sub-Project Funding Agreement, for projects under the Federal Reaching Home program, and to delegate authority to execute the Agreements. (2.4/1/CPSC)

- 13.4. Bill No. 41 By-law No. A.- \_\_\_\_\_ - \_\_\_\_ 229

A by-law to adopt Environmental Management Guidelines. (3.8b/1/PEC)

- 13.5. Bill No. 42 By-law No. A-54-22\_\_\_\_\_ 392

A by-law to amend By-law No. A-54, as amended, being "A by-law to implement an Administrative Monetary Penalty System in London". (2.3a/1/CPSC)

13.6.	Bill No. 43 By-law No. C.P.-1284( )-____	398
	A by-law to amend the Official Plan for the City of London, 1989 relating to 506 Oxford Street East (3.4a/1/PEC)	
13.7.	Bill No. 44 By-law No. C.P.-1555( )-____	401
	A by-law to amend By-law No. C.P.-1555-252, as amended, referred to as Tree Protection By-law, to amend Part 14. (2.3d/1/CPSC)	
13.8.	Bill No. 45 By-law No. CP-22-22_____	402
	A by-law to amend By-law No. CP-22, as amended referred to as Boulevard Tree Protection By-law to amend Part 9. (2.3e/1/CPSC)	
13.9.	Bill No. 46 By-law No. PH-15-22_____	403
	A by-law to amend By-law No. PH-15, as amended, referred to as Idling Control By-law, to amend Part 4. (2.3c/1/CPSC)	
13.10.	Bill No. 47 By-law No. PS-112-22_____	404
	A by-law to amend By-law No. PS-112, as amended, referred to as Off-Street Residential Parking By-law, to amend Part 6. (2.3b/1/CPSC)	
13.11.	Bill No. 48 By-law No. S.- _____ - ____	405
	A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Borden Street and Spruce Street) (Chief Surveyor – for road widening purposes, registered as ER1409658, pursuant to SPA20-071 and in accordance with Z.-1)	
13.12.	Bill No. 49 By-law No. S.- _____ - ____	407
	A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Oxford Street East and Crumlin Sideroad) (Chief Surveyor - for road widening purposes, registered as ER1409016, pursuant to SPA21-034 and in accordance with Z.-1)	
13.13.	Bill No. 50 By-law No. S.- _____ - ____	409
	A by-law to assume certain works and services in the City of London. (Hickory Heights Subdivision, 33M-649) (Deputy City Manager, Environment and Infrastructure)	
13.14.	Bill No. 51 By-law No. S.- _____ - ____	411
	A by-law to assume certain works and services in the City of London. (Talbot Village Subdivision Phase 5, 33M-726) (Deputy City Manager, Environment and Infrastructure)	
13.15.	Bill No. 52 By-law No. Z.-1-222	413
	A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 355 Middleton Avenue. (2.1/1/PEC)	
13.16.	Bill No. 53 By-law No. Z.-1-222	415
	A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 890 Upperpoint Avenue. (2.2/1/PEC)	

13.17.	Bill No. 54 By-law No. Z.-1-222	417
	A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for lands located at 1478 Westdel Bourne. (2.4/1/PEC)	
13.18.	Bill No. 55 By-law No. Z.-1-222	419
	A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for lands located at 1235 Fanshawe Park Road West. (2.5/1/PEC)	
13.19.	Bill No. 56 By-law No. Z.-1-222	421
	A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1225 Hyde Park Road. (2.7/1/PEC)	
13.20.	Bill No. 57 By-law No. Z.-1-222	423
	A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1150 Byron Baseline Road (2.8/1/PEC)	
13.21.	Bill No. 58 By-law No. Z.-1-222	425
	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 876 Wellington Road (3.1/1/PEC)	
13.22.	Bill No. 59 By-law No. Z.-1-222	428
	A bylaw to amend By-law No. Z.-1 to rezone lands located at 4270 Lismer Lane. (3.2/1/PEC)	
13.23.	Bill No. 60 By-law No. Z.-1-222	430
	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1955 Jim Hebb Way. (3.3/1/PEC)	
13.24.	Bill No. 61 By-law No. Z.-1-222	433
	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 506 Oxford Street East (3.4b/1/PEC)	
13.25.	Bill No. 62 By-law No. Z.-1-222	436
	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1408 Ernest Avenue. (3.5/1/PEC)	

#### 14. Adjournment



London  
CANADA

## Council Minutes

1st Meeting of City Council  
December 7, 2021, 4:00 PM

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

Also Present: M. Ribera, C. Saunders, B. Westlake-Power  
Remote Attendance: L. Livingstone, A. Anderson, A. Barbon, G. Barrett, G. Bridge, B. Card, J. Davison, K. Dickins, M. Goldrup, G. Kotsifas, D. Popadic, K. Scherr, M. Schulthess, C. Smith, B. Warner, T. Wellhauser, R. Wilcox  
The meeting is called to order at 4:03 PM; it being noted that the following members were in remote attendance: Councillors M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Van Meerbergen, S. Turner and S. Hillier.

### 1. Disclosures of Pecuniary Interest

Councillor S. Turner discloses a pecuniary interest with respect to the 17th Report of the Strategic Priorities and Policy Committee, specific to any budget items that may relate to the London Public Library (LPL), by indicating that his spouse is employed by the LPL.

Councillor S. Turner discloses a further pecuniary interest with respect to item 15 (4.10) of the 18th Report of the Strategic Priorities and Policy Committee, having to do with the London Public Library (LPL) Board of Directors, by indicating that his spouse is employed by the LPL.

Councillor M. Salih discloses a pecuniary interest with respect to item 7 (2.3) of the 16th Report of the Community and Protective Services Committee, having to do with an Agreement for London and Middlesex Local Immigration Partnership with Immigration, Refugees and Citizenship Canada, by indicating that he is employed by the federal government.

### 2. Recognitions

His Worship the Mayor presents the 2021 Diversity, Race Relations and Inclusivity Awards to the Rights and Responsibilities Awareness Initiative and to NEST - the Network for Economic and Social Trends.

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

None.

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

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

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

**Motion Passed (15 to 0)**



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

Motion made by: J. Fyfe-Millar

Seconded by: A. Hopkins

That the Minutes of the 15th Meeting held on November 16, 2021, BE APPROVED.

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

**Motion Passed (15 to 0)**

**6. Communications and Petitions**

Motion made by: M. van Holst

Seconded by: S. Lewis

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

6.1 Encouraging the Growing of Food in Urban Areas (OZ-9332)

1. G. Pearson and J. Roy;

2. L. Thorne;

6.2 99 Southdale Road West (Z-1962)

1. S. Vergiris;

2. P. McInnes;

3. K. Kulchycki;

4. W. Pol;

6.3 1453 - 1459 Oxford Street East and 648 - 656 Ayreswood Avenue

1. C. Kulchycki;

6.4 New Sidewalks in Established Neighbourhoods

1. Sherwood Forest Delegation 2021;

6.5 Governance Working Group Membership

1. Councillor M. Cassidy;

2. Councillor J. Fyfe-Millar;

6.6 City of London Procurement Process Assessment Review

1. Inclusive Economy London and Region Team.

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

**Motion Passed (15 to 0)**

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

None.

**8. Reports**

8.1 17th Report of the Planning and Environment Committee

Motion made by: A. Hopkins

That the 17th Report of the Planning and Environment Committee, BE APPROVED, excluding Items 17 (3.3) and 21 (3.7).

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

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: A. Hopkins

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) 8th Report of the Trees and Forests Advisory Committee

Motion made by: A. Hopkins

That the following actions be taken with respect to the 8th Report of the Trees and Forests Advisory Committee from its meeting held on October 27, 2021:

a) the City BE REQUESTED to use the new Municipal Climate Lens tool to explore the implications of varying hydro lines in new developments or developments particularly as it relates to reducing the impact of severe storms on the electrical systems as well as on improving the ability to plant much larger trees along sidewalks in order to make walking a more attractive form of transportation; and,

b) clauses 1.1, 2.1, 2.2 and 4.1 BE RECEIVED for information.

**Motion Passed**

3. (2.2) 9th Report of the Advisory Committee on the Environment

Motion made by: A. Hopkins

That the 9th Report of the Advisory Committee on the Environment, from its meeting held on November 3, 2021, BE RECEIVED for information.

**Motion Passed**

4. (2.3) Parking Standards Review

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the Parking Standards Review Information Report appended to the staff report dated November 22, 2021, which is the process to review and update the current City of London Parking requirements in Zoning By-law No. Z.-1 BE RECEIVED and BE CIRCULATED for public review and feedback. (2021-T02)

**Motion Passed**

5. (2.4) 915 Upperpoint Avenue (H-9362) (Relates to Bill No. 28)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Sifton Properties Ltd., relating to the property located at 915 Upperpoint Avenue, the proposed by-law appended to the staff report dated November 22, 2021 BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential Special Provision R4 (h\*h-54\*h-209\*R4-6(11)), a Holding Residential Special Provision R5 (h\*h-54\*h-209\*R5-7(9)), a Holding Residential Special Provision R6 (h\*h-54\*h-209\*R6-5(61)), and a Holding Residential Special Provision R8 (h\*h-54\*h-209\*R8-3(5)) Zone TO a Residential Special Provision R4 (R4-6(11)), a Residential Special Provision R5 (R5-7(9)), a Residential Special Provision R6 (R6-5(61)), and a Residential Special Provision R8 (R8-3(5)) Zone.

**Motion Passed**

6. (2.5) 235 Kennington Way (H-9375) (Relates to Bill No. 29)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Economic Development, based on the application by Sifton Properties Limited, relating to the northern portion of the property located at 235 Kennington Way, the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the 1989 Official Plan), to change the zoning of the subject property FROM a Holding Residential R5 Special Provisions and R6 Special Provision (h\*h-100\*h-198\*R5-4(23)/R6-5(51)) Zone TO a Residential R5 Special Provisions and R6 Special Provision (R5-4(23)/R6-5(51)) Zone.

**Motion Passed**

7. (2.6) 1790 Finley Crescent (P-9371) (Relates to Bill No. 16)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Kenmore Homes (London) Inc., the proposed by-law appended to the staff report dated November 22, 2021 BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to exempt Block 100, Plan 33M-733 from the Part-Lot Control provisions of Subsection 50(5) of the Planning Act, R.S.O. 1990, c.P. 13, for a period not exceeding three (3) years.

**Motion Passed**

8. (2.7) Summerside Subdivision Phase 18 - Special Provisions (39T-92020-18)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc., for the subdivision of land over Concession 1, Part of Lots 15 and 16, situated east of Highbury Avenue North, southwest of Meadowgate Boulevard and north of Bradley Avenue:

- a) the Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc., for the Summerside Subdivision, Phase 18 (39T-92020\_18) appended to the staff report dated November 22, 2021 as Appendix "A", BE APPROVED;
- b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated November 22, 2021 as Appendix "B";
- c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated November 22, 2021 as Appendix "C"; and,
- d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2021-D12)

**Motion Passed**

9. (2.8) 1478 Westdel Bourne (H-9412) (Relates to Bill No. 30)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Townline Orchard Property Limited, relating to lands located at 1478 Westdel Bourne, the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 (h•R1-4) Zone, a Holding Residential R1 (h•R1-5) Zone, a Holding Residential R6/R8 Special Provision (h•h-54•h-209•R6-5(77)/R8-4(64)) Zone, and a Holding Residential R4/R5/R6/R8 Special Provision (h•h-54•h-209•R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5)) Zone TO a Residential R1 (R1-4) Zone, a Residential R1 (R1-5) Zone, a Holding Residential R6/R8 Special Provision (h-54•h-209•R6-5(77)/R8-4(64)) Zone, and a Holding Residential R4/R5/R6/R8 Special Provision (h-54•h-209•R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5)) Zone to remove the holding (h) provision. (2021-D09)

**Motion Passed**

10. (2.9) 370 South Street - Heritage Designation - Health Services Building and War Memorial Children's Hospital

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, with respect to the designation of the property at 370 South Street, that the following actions be taken:

a) Notice BE GIVEN under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O 1990, c.O. 18, of Municipal Council's intention to designate the property to be of cultural heritage value or interest for the reasons outlined in the staff report dated November 20, 2021 as Appendix D and Appendix E; and,

b) should no objection to Municipal Council's notice of intention to designate be received, a by-law to designate the property at 370 South Street to be of cultural heritage value or interest for the reasons outlined in Appendix D and Appendix E of this report BE INTRODUCED at a future meeting of Municipal Council within 90 days of the end of the objection period;

it being noted that should an objection to Municipal Council's notice of intention to designate be received, a subsequent staff report will be prepared; and,

it being further noted that should an appeal to the passage of the by-law be received, the City Clerk will refer the appeal to the Ontario Land Tribunal. (2021-R01)

**Motion Passed**

11. (2.10) 466-468 Queen's Avenue - Heritage Alteration Permit (HAP21-076-L)

Motion made by: A. Hopkins

That, the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act, R.S.O 1990, c.O. 18, seeking retroactive approval for alterations to the heritage designated properties at 466-468 Queens Avenue, in the West Woodfield Heritage Conservation District, BE APPROVED with the following terms and conditions:

a) the existing wood windows on the 466 Queens Avenue portion of the property be retained; and,

b) the London Doorway on the 466 Queens Avenue portion of the property be retained. (2021-R01)

**Motion Passed**

12. (2.11) 10 Bruce Street - Heritage Alteration Permit (HAP21-073-L)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act, R.S.O 1990, c.O. 18, seeking approval for alterations to the porch of the heritage designated property at 10 Bruce Street, located within the Wortley Village-Old South Heritage Conservation District BE PERMITTED as submitted with the following terms and conditions:

a) the porch be reconstructed using the salvaged brick and concrete block materials;

b) the porch and railing system be reconstructed as previously constructed according to photographic documentation;

- c) the new columns consist of concrete with fluting and ornamental capitals to be replicated in kind based on the porch's previous construction;
- d) the Heritage Planner be circulated on the Building Permit to ensure the railing and columns are consistent with design of the previous porch;
- e) the proposed alterations to the porch be completed within six (6) months of Municipal Council's decision on this Heritage Alteration Permit; and,
- f) the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed. (2021-R01)

**Motion Passed**

13. (2.12) 1595 Capri Crescent (1600 Twilite Boulevard) (H-9389)  
(Relates to Bill No. 31)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Foxwood Developments, relating to the property located at 1595 Capri Crescent (1600 Twilite Boulevard), the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R5 and R6 (h-h-54-h-71-h-100-R5-6/R6-5) Zone TO a Residential R5 and R6 (R5-6/R6-5) Zone to remove the "h", "h-54", "h-71" and "h-100" holding provisions. (2021-D09)

**Motion Passed**

14. (2.13) 2313 and 2373 Callingham Drive (P-8830) (Relates to Bill No. 17)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Town and Country Developments (2005) Inc., the proposed by-law appended to the staff report dated November 22, 2021 BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to exempt Blocks 2 and 3 of Registered Plan 33M-664 from the Part-Lot Control provisions of Subsection 50(5) of the Planning Act, R.S.O., 1990, c.P. 13, for a period not exceeding six (6) months. (2021-D25)

**Motion Passed**

15. (3.1) 3103 Petty Road and 3047 White Oak Road (Z-9383) (Relates to Bill No. 32)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by 2831570 Ontario Inc.,

relating to the property located at 3047 White Oak Road, the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R1 (R1-10) Zone TO a Holding Residential R1/Residential R6 Special Provision Residential R8 Bonus (h\*h-100\*h-161\*h-227\*R1-10/R6-5(59)/R8-4(46)\*B60) Zone;

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

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

- the recommended amendment is consistent with and will serve to implement the policies of the Provincial Policy Statement, 2020 which encourage infill and intensification and the provision of a range of housing types, and efficient use of existing infrastructure;
- the proposed residential uses and scale of development are consistent with the policies of the London Plan, the 1989 Official Plan, the Southwest Area Secondary Plan and the North Longwoods Area Plan policies; and,
- the subject lands are of a suitable size and shape to accommodate the development proposed. (2021-D09)

#### **Motion Passed**

16. (3.2) City Wide - Encouraging the Growing of Food in Urban Areas (OZ-9332) (Relates to Bill No.'s 14 and 33)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the Official Plan and Zoning By-law relating to policies and regulations for the growing of food in urban areas:

- a) the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to amend The London Plan by ADDING a new subsection in the Food Systems Chapter to allow for the growing of food in urban areas on lands, in greenhouses and shipping containers; and ADDING a new policy in the Our Tools part of the Plan to allow for a scoped site plan approval process for greenhouses; and
- b) the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to amend Zoning By-law No. Z.-1, (in conformity with The London Plan), by REVISING Section 4.26 (Uses Permitted in All Zones) to include Urban Agriculture and ADDING a new Section 4.38 (Urban Agriculture) to provide regulations for greenhouses and shipping containers used for growing of food;

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

- the staff presentation;
- a communication dated November 18, 2021, from J. Cordes,

Chair, Middlesex London Food Policy Council; and,

- a communication dated November 17, 2021, from Members of the Urban Agricultural Steering Committee - 2021;

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

it being further noted that the Municipal Council approves these applications for the following reasons:

- the recommended amendments to the London Plan and Zoning By-law Z.-1 are consistent with the Provincial Policy Statement (2020);
- the recommended amendments are consistent with three of Councils goals in the 2019-2023 Strategic Plan; and,
- the recommended amendments to the London Plan and Zoning By-law provides more opportunities to allow for the growing of food within the City's Urban Growth boundary (UGB). (2021-D09)

### **Motion Passed**

18. (3.4) 370 South Street and 124 Colborne Street (OZ-9418) (Relates to Bill No.'s 12, 13, 15 and 35)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Vision SoHo Alliance, relating to the properties located at 370 South Street and 124 Colborne Street:

- a) the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to amend the 1989 Official Plan, to add policies to Section 19.15.4 Vacant Land Condominiums;
- b) the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to amend The London Plan, 2016 to add policies to Policy 1709 Vacant Land Condominiums;
- c) the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "C" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to amend the Old Victoria Hospital Lands Secondary Plan to change the designation of a portion of the subject the subject lands FROM a Low-Rise Residential designation TO a Mid-Rise Residential designation and amend policies pertaining to the Mid-Rise Residential designation and The Four Corners designation;
- d) the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "D" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in part a) above), to change the zoning of a portion of the subject lands FROM R8 Special Provision (h\*h-5\* R8-4(56) Zone; Holding Residential R8 Special Provision (h\*h-5\* R8-4(57); and, a Holding Residential R8 Special Provision (h\*h-5\*R8-4(58)) Zone TO a Holding Residential R4 Special Provision/Residential R8 Special Provision (h\*h-5\*R4-6(13)/R8-4(59)) Zone, with amendments to the associated special provisions of the Residential R8-4 zones applicable to the subject lands;



e) the requested amendment to the Old Victoria Hospital Lands Secondary Plan to remove policy from 20.6.4.1(iii) regarding commercial at the ground floor BE REFUSED given the goals and objectives for the designation within the secondary plan;

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

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

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

- the proposed amendments are consistent with the Provincial Policy Statement (PPS), 2020 by providing a mix of residential uses including affordable housing in an appropriate location and at a time of defined need;
- the proposed amendments conform to the in-force policies of the 1989 Official Plan, including but not limited to the Multi Family High Density Residential designation which applies to the subject lands;
- the proposed amendments conform to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place type which applies to the subject lands;
- the proposed amendments conform to the policies of the Old Victoria Hospital Lands Secondary Plan; and,
- the amendment to the Old Victoria Hospital Lands Secondary Plan recommended for refusal is recommended as such because it is not consistent with the vision for the area set out within the objectives of the plan. (2021-D09)

### **Motion Passed**

19. (3.5) 370 South Street and 124 Colborne Street (SPA21-081)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Vision SoHo Alliance, relating to the property located at 370 South Street and 124 Colborne Street:

a) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of five new apartment buildings and the redevelopment of two existing buildings on the subject lands; and,

b) the Approval Authority BE ADVISED that the Municipal Council has no issues with respect to the Site Plan Application, and the Municipal Council supports the Site Plan Application;

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

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

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

- the proposed Site Plan is consistent with the Provincial Policy Statement, 2020, which directs development to designated growth areas and that development be adjacent to existing development;
- the proposed Site Plan conforms to the applicable policies of The London Plan with the exception of the Vacant Land Condominium policies subject of the application OZ-9418;
- the proposed Site Plan is in conformity with the applicable policies of the Official Plan (1989) with the exception of the Vacant Land Condominium policies subject of the application OZ-9418;
- the proposed Site Plan is in conformity with the policies of the Old Victoria Hospital Lands Secondary Plan (2014) with the exception of the designation and design policies subject of the application OZ-9418;
- the proposed Site Plan will conform to the regulations of the Z.-1 Zoning By-law subject to the approval of the requested Zoning By-law amendment under consideration as OZ-9418; and,
- with the exception of minor drawing amendments required, the proposed Site Plan conforms to the regulations of the Site Plan Control By-law. (2021-D09)

### **Motion Passed**

20. (3.6) 3095 & 3105 Bostwick Road (39T-21502 / Z-9322) (Relates to Bill No. 36)

Motion made by: A. Hopkins

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, based on the application by Southside Construction Management Ltd., relating to the property located at 3095 and 3105 Bostwick Road:

- a) the proposed by-law appended to the staff report dated November 22, 2021 as Appendix 'A' BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM an Urban Reserve UR3 Zone TO a Holding Residential R2 Special Provision (h\*R2-3(\_)) Zone; a Holding Residential R2 Special Provision (h\*h-\_\_\*R2-3(\_)) Zone; a Holding Residential R4 Special Provision (h\*h-198\*h-\_\_\*R4-4(2)) Zone; an Open Space OS1 Zone, and an Urban Reserve UR3 Zone;
- b) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Draft Plan of Subdivision submitted by Southside Construction Management Ltd., relating to the property located at 3095 and 3105 Bostwick Road; and,
- c) the Approval Authority BE ADVISED that the Municipal Council supports issuing draft approval of the proposed plan of subdivision as submitted by Southside Construction Management Ltd., prepared by Zelinka Priamo (Project No. SPE/LON/12-02), certified by Jason Wilband O.L.S., dated November 11, 2021, as red-line revised, which shows a total of 168 single detached residential lots, three (3) street townhouse residential blocks, three (3) park blocks, two (2) urban reserve blocks, three (3) future road block served by the extensions of Frontier Avenue, Regiment Road, Raleigh Boulevard and four (4) new local streets, SUBJECT TO the

conditions appended in the staff report dated November 22, 2021 as Appendix “B”;

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

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

- the proposed draft plan of subdivision and zoning amendment is consistent with the Provincial Policy Statement (PPS), 2020, which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs, provide for and accommodate an appropriate affordable and market-based range and mix of housing type and densities to meet the projected requirements of current and future residents;
- the proposed draft plan of subdivision and zoning conforms to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place Type, Our Strategy, City Building and Design, Our Tools, and all other applicable London Plan policies;
- the proposed draft plan of subdivision and zoning conforms to the policies of the (1989) Official Plan, including but not limited to the Low Density Residential; Multi-Family, Medium Density Residential; and Open Space designations; and,
- the proposed draft plan of subdivision and zoning conforms to the Southwest Area Secondary Plan, including but not limited to the Low Density Residential; Medium Density Residential; and the Open Space and Environmental Review designations. The proposed draft plan of subdivision and zoning conforms to the vision for the North Talbot Neighbourhood that new development will reflect the existing character of the neighbourhood, provide a walkable environment with a pedestrian scale, and incorporate street-oriented development on public right-of-ways. (2021-D09)

#### **Motion Passed**

22. (4.1) 11th Report of the London Advisory Committee on Heritage (Relates to Bill No. 20)

That, the following actions be taken with respect to the 11th Report of the London Advisory Committee on Heritage, from its meeting held on November 10, 2021:

a) the London Advisory Committee on Heritage (LACH) 2022 membership with the Community Heritage Ontario BE APPROVED; it being noted that the LACH has sufficient funds in its 2021 Budget to cover the \$75.00 renewal fee;

b) on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act, seeking approval for alterations to the porch of the heritage designated property located at 10 Bruce Street, located within the Wortley Village-Old South Heritage Conservation District BE PERMITTED, as submitted, with the following terms and conditions:

- the porch be reconstructed using the salvaged brick and concrete block materials;
- the porch and railing system be reconstructed as previously constructed according to photographic documentation;
- the new columns consist of concrete with fluting and ornamental capitals to be replicated in kind based on the porch’s previous construction;
- the Heritage Planner be circulated on the Building

Permit to ensure the railing and columns are consistent with design of the previous porch; • the proposed alterations to the porch be completed within six (6) months of Municipal Council's decision on this Heritage Alteration Permit; and, • the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

c) the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act, seeking retroactive approval for alterations to the heritage designated properties located at 466-468 Queens Avenue, in the West Woodfield Heritage Conservation District, BE APPROVED with the following terms and conditions:

• the existing wood windows on the 466 Queens Avenue portion of the property be retained; and, • the London Doorway on the 466 Queens Avenue portion of the property be retained;

d) on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the following actions be taken with respect to the staff report dated November 10, 2021, related to the Designation of the Health Services Building and War Memorial Children's Hospital, located at 370 South Street, under Section 29 of the Ontario Heritage Act:

i) notice BE GIVEN under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O 1990, c.O. 18, of Municipal Council's intention to designate the above-noted property to be of cultural heritage value or interest for the reasons outlined in Appendix D and Appendix E of the above-noted report; and, ii) should no objection to Municipal Council's notice of intention to

designate be received, a by-law to designate the property located at 370 South Street to be of cultural heritage value or interest for the reasons outlined in Appendix D and Appendix E of the above-noted report BE INTRODUCED at a future meeting of Municipal Council within 90 days of the end of the objection period;

it being noted that should an objection to Municipal Council's notice of intention to designate be received, a subsequent staff report will be prepared;

it being further noted that should an appeal to the passage of the by-law be received, the City Clerk will refer the appeal to the Ontario Land Tribunal; and,

it being noted that the London Advisory Committee on Heritage encourages that effort be put into locating and using the original memorial plaque, as appended to the above-noted staff report in Appendix C, in the development of the property; and,

e) clauses 1.1, 2.1, 2.2, 2.4, 3.1 and 4.4, BE RECEIVED for information.

23. (5.1) 8th Report of the Environmental and Ecological Planning Advisory Committee

Motion made by: A. Hopkins

That, the following actions be taken with respect to the 8th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on November 18, 2021:

a) S. Levin, Chair, Environmental and Ecological Planning Advisory Committee (EEPAC) BE DIRECTED to speak on behalf of the EEPAC at the Planning and Environment Committee public

participation meeting relating to Environmental Management Guidelines; and,

b) clauses 1.1, 2.1, 3.1 to 3.4, inclusive, 4.1, 5.1, 5.2 and 5.4 BE RECEIVED for information.

### **Motion Passed**

17. (3.3) 99 Southdale Road West (Z-9162) (Relates to Bill No. 34)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Southdale West Holdings Inc., relating to the property located at 99 Southdale Road West:

a) the proposed by-law appended to the staff report dated November 22, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Urban Reserve (UR4) and Environmental Review (ER) Zone TO a Residential R9 Special Provision Zone (R9-5( ) Zone and Open Space (OS4) Zone;

it being noted that the following Site Plan matters have been raised through the application review process to be addressed through the Site Plan Approval process:

- i) ensure that the development provides adequately sized and located enhanced outdoor amenity and recreation area(s) to support healthy and livable environment for the number of residents. This can be achieved by providing a central amenity space and smaller compatible amenity areas serving individual buildings;
- ii) provide for a safe network of internal streets with convenient and direct pedestrian connections throughout the site (North- South and East- West) connecting building entrances, amenity areas, parking spaces, open spaces and the city sidewalk along Southdale Road East;
- iii) ensure an active building façade along Southdale Road by including principal building entrance(s), lobbies, common amenity areas and street-oriented residential units with front porches/courtyards and individual unit entrances connected to the public sidewalk along that frontage. Provide direct walkway connections from ground floor units to the sidewalk to create a pedestrian scale rhythm and activation;
- iv) explore opportunities to minimize the visual impact of surface parking by reducing the expanse of surface parking and drive aisles to the required minimum and accommodate majority of the parking underground to provide adequate amenity and recreational areas and in turn reduce the heat island effect;
- v) ensure the design of the proposed building(s) offer variation in appearance and massing to add character throughout the development and promote wayfinding;
- vi) ensure an EMP (Environmental Management Plan) is completed through the site approval process; and,
- vii) consider the comments made at the public participation meeting of the Planning and Environment Committee meeting by the Holy Trinity Greek Orthodox Community of London and Vicinity;

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

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

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

- the recommended amendment to Zoning By-law Z.-1 is consistent with the 2020 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future;
- the recommended amendment conforms to the in-force policies of The London Plan, which contemplates a range of residential uses including stacked townhouses, fourplexes, and low-rise apartments within the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard;
- conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Multi-Family Medium Density Residential and Open Space designations. The recommended amendment would permit development at an intensity that is at the upper range of the maximum density for residential intensification within the Multi-family, Medium Density Residential designation but still ensures the nature of development is suitable for the site and the immediate neighbourhood. The recommended amendment would help to reach the objective of supplying housing choices and options for all residents;
- the recommended Zoning By-law amendment is consistent with the Southwest Area Secondary Plan. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the fringe of a developing neighbourhood, and the recommended amendment would permit development at a magnitude that is suitable for the site and the adjacent neighbourhood; and,
- the recommended amendment facilitates the development of a site within the Built-Area Boundary and the Primary Transit Area with an appropriate form of infill development. (2021-D09)

Motion made by: A. Hopkins

Seconded by: J. Fyfe-Millar

That clause 3.3 BE AMENDED to read as follows:

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Southdale West Holdings Inc., relating to the property located at 99 Southdale Road West:

- a) the proposed attached, revised, by-law (including the attached revised map) BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Urban Reserve (UR4) and Environmental Review (ER) Zone TO a Residential R9 Special Provision Zone (R9-5( ) Zone and Open Space (OS4) Zone;

it being noted that the following Site Plan matters have been raised through the application review process to be addressed through the Site Plan Approval process:

- i) ensure that the development provides adequately sized and located enhanced outdoor amenity and recreation area(s) to support healthy and livable environment for the number of residents. This can be achieved by providing a central amenity space and smaller compatible amenity areas serving individual buildings;
  - ii) provide for a safe network of internal streets with convenient and direct pedestrian connections throughout the site (North- South and East- West) connecting building entrances, amenity areas, parking spaces, open spaces and the city sidewalk along Southdale Road East;
  - iii) ensure an active building façade along Southdale Road by including principal building entrance(s), lobbies, common amenity areas and street-oriented residential units with front porches/courtyards and individual unit entrances connected to the public sidewalk along that frontage. Provide direct walkway connections from ground floor units to the sidewalk to create a pedestrian scale rhythm and activation;
  - iv) explore opportunities to minimize the visual impact of surface parking by reducing the expanse of surface parking and drive aisles to the required minimum and accommodate majority of the parking underground to provide adequate amenity and recreational areas and in turn reduce the heat island effect;
  - v) ensure the design of the proposed building(s) offer variation in appearance and massing to add character throughout the development and promote wayfinding;
  - vi) ensure an EMP (Environmental Management Plan) is completed through the site approval process; and,
  - vii) consider the comments made at the public participation meeting of the Planning and Environment Committee meeting by the Holy Trinity Greek Orthodox Community of London and Vicinity;
- b) pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, c. P.13, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-law as the density was included in the Notice;

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

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

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

- the recommended amendment to Zoning By-law Z.-1 is consistent with the 2020 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future;
- the recommended amendment conforms to the in-force policies of The London Plan, which contemplates a range of residential uses including stacked townhouses, fourplexes, and low-rise apartments within the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard;

- conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Multi-Family Medium Density Residential and Open Space designations. The recommended amendment would permit development at an intensity that is at the upper range of the maximum density for residential intensification within the Multi-family, Medium Density Residential designation but still ensures the nature of development is suitable for the site and the immediate neighbourhood. The recommended amendment would help to reach the objective of supplying housing choices and options for all residents;
- the recommended Zoning By-law amendment is consistent with the Southwest Area Secondary Plan. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the fringe of a developing neighbourhood, and the recommended amendment would permit development at a magnitude that is suitable for the site and the adjacent neighbourhood; and,
- the recommended amendment facilitates the development of a site within the Built-Area Boundary and the Primary Transit Area with an appropriate form of infill development. (2021-D09)

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

Nays: (1): M. Hamou

**Motion Passed (14 to 1)**

Motion made by: A. Hopkins

Seconded by: J. Fyfe-Millar

That item 17, clause 3.3, as amended, BE APPROVED.

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

**Motion Passed (15 to 0)**

Item 17, clause 3.3, as amended, reads as follows:

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Southdale West Holdings Inc., relating to the property located at 99 Southdale Road West:

a) the proposed attached, revised, by-law (including the attached revised map) BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Urban Reserve (UR4) and Environmental Review (ER) Zone TO a Residential R9 Special Provision Zone (R9-5( ) Zone and Open Space (OS4) Zone; it being noted that the following Site Plan matters have been raised through the application review process to be addressed through the Site Plan Approval process:

i) ensure that the development provides adequately sized and located enhanced outdoor amenity and recreation area(s) to



support healthy and livable environment for the number of residents. This can be achieved by providing a central amenity space and smaller compatible amenity areas serving individual buildings;

ii) provide for a safe network of internal streets with convenient and direct pedestrian connections throughout the site (North- South and East- West) connecting building entrances, amenity areas, parking spaces, open spaces and the city sidewalk along Southdale Road East;

iii) ensure an active building façade along Southdale Road by including principal building entrance(s), lobbies, common amenity areas and street-oriented residential units with front porches/courtyards and individual unit entrances connected to the public sidewalk along that frontage. Provide direct walkway connections from ground floor units to the sidewalk to create a pedestrian scale rhythm and activation;

iv) explore opportunities to minimize the visual impact of surface parking by reducing the expanse of surface parking and drive aisles to the required minimum and accommodate majority of the parking underground to provide adequate amenity and recreational areas and in turn reduce the heat island effect;

v) ensure the design of the proposed building(s) offer variation in appearance and massing to add character throughout the development and promote wayfinding;

vi) ensure an EMP (Environmental Management Plan) is completed through the site approval process; and,

vii) consider the comments made at the public participation meeting of the Planning and Environment Committee meeting by the Holy Trinity Greek Orthodox Community of London and Vicinity;

b) pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, c. P.13, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-law as the density was included in the Notice;

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

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

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

- the recommended amendment to Zoning By-law Z.-1 is consistent with the 2020 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future;
- the recommended amendment conforms to the in-force policies of The London Plan, which contemplates a range of residential uses including stacked townhouses, fourplexes, and low-rise apartments within the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard;
- conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Multi-Family Medium Density Residential and Open Space designations. The

recommended amendment would permit development at an intensity that is at the upper range of the maximum density for residential intensification within the Multi-family, Medium Density Residential designation but still ensures the nature of development is suitable for the site and the immediate neighbourhood. The recommended amendment would help to reach the objective of supplying housing choices and options for all residents;

- the recommended Zoning By-law amendment is consistent with the Southwest Area Secondary Plan. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the fringe of a developing neighbourhood, and the recommended amendment would permit development at a magnitude that is suitable for the site and the adjacent neighbourhood; and,
- the recommended amendment facilitates the development of a site within the Built-Area Boundary and the Primary Transit Area with an appropriate form of infill development. (2021-D09)

21. (3.7) 1453-1459 Oxford Street East and 648-656 Ayreswood Avenue

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Red Maple Properties, relating to the property located at 1453-1459 Oxford Street East and 648-656 Ayreswood Avenue:

a) the request to amend The London Plan by ADDING a new policy the Specific Policies for the Rapid Transit Corridor Place Type and by ADDING the subject lands to Map 7 – Specific Policies Areas – of The London Plan, BE REFUSED for the following reasons:

i) the proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available.

ii) the proposed development does not conform to The London Plan (2016), including, but not limited to, the Key Directions, City Design, Intensity and Form policies of the Rapid Transit Corridor Place Type, Protected Major Transit Station Areas (PMTSA) policies, and Near Campus Neighbourhoods policies.

iii) the existing sanitary sewer servicing the site does not have sufficient capacity to support the proposed density.

b) the request to amend the Official Plan for the City of London (1989) to change the designation of the subject lands FROM a Low Density Residential designation TO a Multi-Family, High Density Residential designation, BE REFUSED for the following reasons:

i) the proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available;

ii) the proposed development does not conform to the Official Plan (1989), including, but not limited to, the Permitted Uses, Density and Scale, Bonusing, Residential Intensification, Urban Design, and Policies for Near Campus Neighbourhoods;

- iii) the proposed development represents an over-intensification of the site and does not satisfy the criteria of the Planning Impact Analysis;
- iv) the existing sanitary sewer servicing the site does not have sufficient capacity to support the proposed density.
- c) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM a Residential R1 (R1-6) Zone and Residential R1/Office Conversion (R1-6/OC4) Zone TO a Residential R9 Bonus/Neighbourhood Shopping Area (R9-7\*B-  
\_H77/NSA3) Zone, BE REFUSED for the following reasons:
  - i) the proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available;
  - ii) the proposed development does not conform to The London Plan (2016) as the requested Specific Policy is not recommended for approval;
  - iii) the proposed development does not conform to the Official Plan (1989) as the requested Multi-Family, High Density Residential designation is not recommended for approval;
  - iv) the proposed development and requested zoning represent an over-intensification of the site and do not satisfy the criteria of the Planning Impact Analysis;
  - v) the existing sanitary sewer servicing the site does not have sufficient capacity to support the proposed density.
  - vi) the facilities, services, and matters identified through the proposed bonus zone are not commensurate for the requested height and density;

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

- the staff presentation;
- a communication dated November 16, 2021, from P. Lombardi, Partner, Siskinds; and,
- a communication from C. Kulchycki and H. Froussios, Senior Planners, Zelinka Priamo Ltd., and P. Champagne, Owner, Red Maple Properties;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the ~~attached~~ public participation meeting record made oral submissions regarding these matters. (2021-D09)

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

That the application by Red Maple Properties, relating to the properties located at 1453 to 1459 Oxford Street East and 648 to 656 Ayerswood Avenue BE REFERRED to the Civic Administration to undertake the following actions and to report back to a future meeting of the Planning and Environment Committee to:

- a) work with the applicant to ensure the appropriate framework is in place for the provision of affordable housing units at 70% of the average market rate for fifty years;

b) work with the applicant to determine options to resolve the sanitary sewer capacity issues;

Yeas: (7): S. Lewis, M. Salih, M. Hamou, J. Morgan, S. Lehman, P. Van Meerbergen, and S. Hillier

Nays: (8): Mayor E. Holder, M. van Holst, J. Helmer, M. Cassidy, A. Hopkins, S. Turner, E. Pelozza, and J. Fyfe-Millar

**Motion Failed (7 to 8)**

Motion made by: A. Hopkins

The motion to approve item 21, clause 3.7, is put.

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

Nays: (2): M. Salih, and P. Van Meerbergen

**Motion Passed (13 to 2)**

8.2 16th Report of the Community and Protective Services Committee

At 5:24 PM, His Worship Mayor Holder places Councillor J. Morgan in the Chair.

At 5:26 PM, His Worship Mayor Holder resumes the Chair.

Motion made by: J. Helmer

That the 16th Report of the Community and Protective Services Committee, BE APPROVED, excluding item 7 (2.3).

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

**Motion Passed (15 to 0)**

1. Disclosure of Pecuniary Interest

Motion made by: J. Helmer

That it BE NOTED that Councillor M. Salih disclosed a pecuniary interest in clause 2.3 of this Report, having to do with an Agreement for London and Middlesex Local Immigration Partnership with Immigration, Refugees and Citizenship Canada, by indicating that he is employed by the federal government.

**Motion Passed**

2. (2.1) 6th Report of the Community Safety and Crime Prevention Advisory Committee

Motion made by: J. Helmer

That the 6th Report of the Community Safety and Crime Prevention Advisory Committee, from its meeting held on October 28, 2021, BE RECEIVED.

**Motion Passed**

3. (2.2) 9th Report of the London Housing Advisory Committee

Motion made by: J. Helmer

That the 9th Report of the London Housing Advisory Committee, from its meeting held on November 10, 2021, BE RECEIVED.

**Motion Passed**

4. (2.4) RFT21-112 People and the City Monument Restoration and Source of Financing

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Neighbourhood and Community-Wide Services, the following actions be taken with respect to the staff report, dated November 23, 2021, with respect to RFT21-112 related to People and the City Monument Restoration and Source of Financing:

- a) the bid submitted by 818185 Ontario Inc., P.O. Box 1660 Brantford, Ontario N3T 5V7, at its tendered price of \$474,000 (excluding HST) BE ACCEPTED; it being noted that the bid submitted by 818185 Ontario Inc. was the lowest bid received and meets the City's specifications and requirements in all areas;
- b) the financing for this project BE APPROVED in accordance with the "Sources of Financing Report", as appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this purchase;
- d) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract for this purchase; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract, statement of work or other documents, if required, to give effect to these recommendations. (2021-F11)

**Motion Passed**

5. (2.5) Sports Court Donation by Maple Leaf Sports and Entertainment Foundation

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report, dated November 23, 2021, related to a Sports Court Donation by Maple Leaf Sports and Entertainment Foundation:

- a) the donation of a multi-use sports court by Maple Leaf Sports and Entertainment Foundation BE ACCEPTED, as per the City's Donation Policy; it being noted that the value of the donation is estimated to be \$250,000;

- b) the hiring of ERA Architects to design and carry out contract administration for the construction of the project by Maple Leaf Sports and Entertainment Foundation, at their expense, BE APPROVED, as per Section 14.4 (i) of the Procurement of Goods and Services Policy as a Single Source contract, SS21-45;
- c) the Civic Administration BE AUTHORIZED to enter into a formal agreement with Maple Leaf Sports and Entertainment Foundation and establish a capital project budget based on the final amount of the donation, subject to the approval of the above-noted donation and determining a location for the multi-use court; and,
- d) Maple Leaf Sports and Entertainment Foundation BE THANKED for their generous donation to support London's youth and their physical and mental health and social engagement. (2021-M12/R05)

**Motion Passed**

- 6. (2.9) Parking Services - Services Integration and Digital Modernization Review

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the staff report, dated November 23, 2021, with respect to Parking Services – Service Integration and Digital Modernization Review, BE RECEIVED. (2021-H08/T02)

**Motion Passed**

- 8. (2.6) Housing Stability Services - Social Services Relief Fund Phase Four Allocations (Relates to Bill No. 2)

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following actions be taken with respect to the staff report, dated November 23, 2021, related to Housing Stability Services and Social Services Relief Fund Phase Four Allocations:

- a) for COVID-19 operating agreement extensions, a funding increase extension BE APPROVED for the existing Purchase of Service Agreements at a total estimated increase of \$987,165 (excluding HST), for the period of January 1, 2022 to March 31, 2022, to administer Housing Stability Services COVID-19 Response programs, as per The Corporation of the City of London Procurement Policy Section 20.3 e.ii, to the following existing agreements:
  - The Ark Aid Street Mission, WISH to Be Home (SS21-29)
  - London Cares Homeless Response Services COVID-19 Resting Spaces (SS21-29)
  - The Salvation Army Centre of Hope Emergency Shelter (SS21-29)
  - Services and supports through various providers (SS21-29), including minor retrofits at the YOU shelter;
- b) with respect to capital retrofits and upgrades, that the proposed revised ~~attached~~ by-law, as appended to the Added Agenda, BE INTRODUCED at the Municipal Council meeting to be held December 7, 2021, to:

- i) approve the standard form Loan Contribution Agreement, substantially in the form as appended to the above-noted by-law, as the standard form of agreement between the city and organizations to provide capital funding under the CHPI Social Services Relief Fund – Phase 4 to improve, retrofit, upgrade or acquire property for emergency shelters, transitional housing, congregate living spaces and supportive housing or other activities approved by the Ministry of Municipal Affairs and Housing;
  - ii) delegate discretionary power to the Deputy City Manager, Social and Health Development, or written designates, to:
    - A) insert the applicable required information into the above-noted standard form Loan Contribution Agreement;
    - B) approve the agreement with the above-noted details; and,
    - C) execute agreements which employ the above-noted form; it being noted that the exercise of such powers is consistent with the CHPI SSRF Program Guidelines and applicable agreements with the Province, and that the exercise of such powers does not require additional funding or is provided for in the City's current budget, and that does not increase the indebtedness or contingent liabilities of The Corporation of the City of London, subject to prior review and approval by the Manager of Risk Management;
  - iii) delegate discretionary power to the Deputy City Manager, Social and Health Development, or written designates, to authorize, approve and execute such further and other documents, including amending agreements, that may be required in furtherance of the City of London's agreements with organizations that are consistent with the CHPI SSRF Program Guidelines and applicable agreements with the Province and requirements contained in the above-noted standard form Loan Contribution Agreement and that do not require additional funding or are provided for in the City's current budget, and that do not increase the indebtedness or contingent liabilities of The Corporation of the City of London, subject to prior review and approval by the Manager of Risk Management;
- c) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in relation to this matter;
- d) capital grant funding BE APPROVED for retrofits and upgrades for The Ark Aid Street Mission in the amount of \$725,000;
- e) the approval given, herein, BE CONDITIONAL upon The Corporation of the City of London entering into and/or amending Purchase of Service Agreements and/or Contribution Agreement with Agencies outlined in Schedule 1 of the above-noted report, and is subject to a commitment of funding by the Ministry of Municipal Affairs and Housing under Community Homelessness Prevention Initiative and the Social Services Relief Fund Phase 4 Guidelines; and,
- f) Schedule 1 – Overview of SSRF Phase 4 Funding Allocations, as appended to the above-noted staff report, BE RECEIVED. (2021-S11/F11A)

**Motion Passed**

9. (2.7) Proposed Implementation of the "Roadmap to 3,000 Affordable Units" (Roadmap) Action Plan

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Social and Health Development and Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the staff report, dated November 23, 2021, related to the Proposed Implementation of the “Roadmap to 3,000 Affordable Units” (Roadmap) Action Plan:

- a) the “Roadmap to 3,000 Affordable Units” (Roadmap), as appended to the above-noted staff report, BE RECEIVED and the Civic Administration BE DIRECTED to advance on the implementation action plan as outlined within the above-noted staff report;
- b) the Civic Administration BE DIRECTED to report back with any applicable policy changes for Council approval that will aide in the delivery of the action plan;
- c) the Civic Administration BE AUTHORIZED to carry out all necessary actions to establish a capital budget and corresponding funding sources for the Roadmap to 3,000 Affordable Units for the City of London for 2022 through 2026, as summarized in the above-noted report;
- d) the Civic Administration BE DIRECTED to release \$5.0 million currently earmarked in the Economic Development Reserve Fund for the Back to the River – Forks of the Thames project and use this funding to support the implementation of the Roadmap action plan; and,
- e) the Civic Administration BE DIRECTED to temporarily fund the 2022 operating costs of this plan from the Operating Budget Contingency Reserve, and to bring a budget amendment business case to the 2023 Annual Budget Update and 2024-2027 Multi-Year Budget that establishes a permanent funding source for the portable benefits/rent supplements and ongoing resources required to support the Roadmap implementation plan; it being noted that specific program design considerations will be further clarified through future reports to Committee and Council; it being further noted that the presentation, dated November 23, 2021, as appended to the Added Agenda, and the verbal delegation from M. Wallace, London Development Institute, with respect to this matter, were received. (2021-S11)

**Motion Passed**

10. (2.8) Request for Funding from Vision SoHo Alliance for the Housing Development Project at the Old Victoria Hospital Lands (Relates to Bill No. 3)

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the staff report, dated November 23, 2021, related to the Request for Funding from Vision SoHo Alliance for the Housing Development Project at the Old Victoria Hospital Lands:

- a) a conditional grant for \$11,200,000 (\$28,000/unit) BE APPROVED to provide up to 400 affordable housing units in the proposed development, subject to confirmation of the other sources of project financing, closing of the Purchase and Sale Agreement between Vision SoHo Alliance and the City of London for the



subject lands and development of suitable Contribution Agreements between the parties;

b) the Civic Administration BE DIRECTED to develop Contribution Agreements with Vision SoHo Alliance members, subject to submission of additional financial and project information from Vision SoHo Alliance;

c) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021, to:

i) authorize and approve the City Treasurer and City Solicitor to approve the Contribution Agreement between The Corporation of the City of London and Vision SoHo Alliance members in an amount not to exceed \$11,200,000.00 in the aggregate; and,

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

d) the financing for the conditional grant BE APPROVED as set out in the Source of Financing Report, as appended to the above-noted staff report;

it being noted that a verbal delegation from S. Harris, Indwell/Vision SoHo Alliance, with respect to this matter, was received. (2021-F11/S11)

**Motion Passed**

11. (5.1) Deferred Matters List

Motion made by: J. Helmer

That the Deferred Matters List for the Community and Protective Services Committee, as at November 16, 2021, BE RECEIVED.

**Motion Passed**

12. (5.2) 10th Report of the Animal Welfare Advisory Committee

Motion made by: J. Helmer

That the following actions be taken with respect to the 10th Report of the Animal Welfare Advisory Committee, from its meeting held on November 18, 2021:

a) the following actions be taken with respect to the Animal Welfare Advisory Committee (AWAC) Budget request related to Coyote Signs on City Parks:

i) the transfer of \$1,000.00 from the 2021 Animal Welfare Advisory Committee Budget allocation to the Parks Operations Fund BE APPROVED in order to procure new signs related to wild canids to be installed in City parks; and,

ii) the communication, as appended to the Added Agenda, with respect to this matter, BE RECEIVED;

b) the following actions be taken with respect to the Clear Your Gear Initiative:

i) the Civic Administration BE REQUESTED to explore the best methods to empty and maintain the recycling receptacles to be placed at areas for recreational fishing; and,

ii) the communication, as appended to the Added Agenda, with respect to this matter, BE RECEIVED;

it being noted that the Animal Welfare Advisory Committee will continue to engage with the Civic Administration with respect to the implementation of this initiative;

c) clauses 1.1 to 4.1 BE RECEIVED.

**Motion Passed**

7. (2.3) Agreement for London and Middlesex Local Immigration Partnership with Immigration, Refugees and Citizenship Canada

Motion made by: J. Helmer

That the staff report, dated November 23, 2021, with respect to an Agreement for London and Middlesex Local Immigration Partnership with Immigration, Refugees and Citizenship Canada BE DEFERRED to the next meeting of the Community and Protective Services Committee. (2021-S15)

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

Recuse: (1): M. Salih

**Motion Passed (14 to 0)**

- 8.3 19th Report of the Corporate Services Committee

Motion made by: M. Cassidy

That the 19th Report of the Corporate Services Committee, BE APPROVED.

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

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: M. Cassidy

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) Single Source – Furniture and Wall System Contracts Extensions

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to the extension of existing contracts for the provision of furniture:

a) in accordance with Section 14.4 (d) of the Procurement of Good and Services Policy, the extension of existing contracts with POI Business Interiors and Raven Studios, formally known as Facility Resources, as well as the wall system contract with Verto360 BE ACCEPTED for one (1) year, with four (4) additional one (1) year extensions;

b) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in connection with the approval set out in part a) above; and,

c) the approval set out in a) above BE CONDITIONAL upon the Corporation entering into formal contracts or having a purchase order, or contract records relating to the subject matter of this approval.

**Motion Passed**

3. (2.2) Authorization for Temporary Borrowing (Relates to Bill No. 5)

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, the proposed by-law as appended to the staff report dated November 22, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021, to authorize the temporary borrowing of certain sums to meet current

**Motion Passed**

4. (2.3) City of London Procurement Process Assessment Review

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to the Spend Analysis and Procurement Maturity Assessment report:

a) the report of Ernst & Young LLP (EY), as appended to the staff report dated November 22, 2021 as Appendix "A" BE RECEIVED for information;

b) the Civic Administration BE DIRECTED to undertake pilot projects to test the hypotheses set out in the above-noted report by EY and validate potential opportunities;

c) as part of the 2024 to 2027 Multi-Year Budget, the Civic Administration BE DIRECTED to bring forward a business case for consideration to provide additional resourcing to the Purchasing & Supply Services to enable further advancement of the City's procurement processes; and,

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

**Motion Passed**

5. (2.4) Signing Authority and Banking Services By-laws - Amendments Due to Corporate Restructuring (Relates to Bill No.'s 6, 9 and 10)

Motion made by: M. Cassidy

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

a) the proposed by-law as appended to the staff report dated November 22, 2021 as Appendix "A", being "A by-law to amend By-Law A.-7955-83, entitled "A by-law to authorize the Mayor and City Clerk to execute the Resolution Regarding Banking and the Master Client Agreement for Business Client Authorization and any contract or document with the Royal Bank relating to the Ontario Works Royal Bank of Canada Right Pay Reloadable Payment Card Program and to authorize the signing of cheques and the withdrawal or transfer of funds" to reflect the current organizational structure", BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021;

b) the proposed by-law as appended to the staff report dated November 22, 2021 as Appendix "B", being "A by-law to amend By-Law A.-8047-15, entitled "A by-law to approve an Amending Agreement between the Bank of Nova Scotia and the Corporation of the City of London", BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021; and,

c) the proposed by-law as appended to the staff report dated November 22, 2021 as Appendix "C", being "A by-law to authorize the signing of cheques and electronic funds or wire transfers on certain bank accounts of The Corporation of the City of London, and to repeal By-law No. A.-7473-288 entitled, "A by-law to authorize the signing of cheques and electronic funds or wire transfers on certain bank accounts of The Corporation of the City of London", BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021;

it being noted that the Corporate Services Committee received the ~~attached~~ revised page to "Schedule 1" to the Royal Bank of Canada Resolution Regarding Banking".

**Motion Passed**

6. (2.5) Amendments to Council Policies - Reorganization (Relates to Bill No.'s 8 and 19)

Motion made by: M. Cassidy

That, on the recommendation of the City Clerk, the following actions be taken with respect to the "Policy for the Establishment and Maintenance of Council Policies":

a) the proposed by-law as appended to the staff report dated November 22, 2021 as Appendix "B", being "A by-law to amend By-law No. CPOL.-275(a)-159, being "Free of Fear Services for All Policy" by deleting and replacing Schedule "A", BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021; and,

b) the proposed by-law as appended to the staff report dated November 22, 2021 as Appendix "C", being A by-law to amend By-law No. A.-6151-17, being "A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the Municipal Act, 2001" by deleting and replacing Schedule "A", being "Sale and Other Disposition of Land

Policy”, BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021.

**Motion Passed**

7. (2.6) Human Resources Information System Software Acquisition – RFP21-09 (Relates to Bill No. 7)

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Enterprise Supports, the following actions be taken with respect to the selection of a vendor for the Human Resources Information System (‘HRIS’) for The Corporation of the City of London (the ‘Corporation’):

- a) in accordance with section 12.2 of the Procurement of Goods and Services Policy, the proposal submitted by SAP Canada Inc, 22 Bay St. Suite 1800, 1900, 2000, P.O. Box 41 Toronto On, M5K 1B7 for the HRIS software for the City of London BE ACCEPTED;
- b) the price submitted by SAP Canada Inc. at the proposed first year cost of \$103,000 (excluding H.S.T.), and subsequent years annual cost of \$217,000 (excluding H.S.T), for five (5) years as the initial term, and the optional renewal term of five (5) additional one (1) year terms, at sole discretion of the City, BE ACCEPTED, it being noted that the financing for this acquisition is contained within the Council approved operating budget;
- c) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with the approval set out in parts a) and b) above;
- d) the approval set out in parts a) and b) above, BE CONDITIONAL upon the Corporation entering into a formal agreement or having a purchase order, or contract record relating to the subject matter of this approval; and,
- e) the proposed by-law as appended to the staff report dated November 22, 2021 as Appendix “A” being "A a by-law to authorize the Director, People Services to approve the agreement between The Corporation of the City of London and SAP Canada Inc. for a Human Resources Information System and to authorize the Mayor and City Clerk to execute the Agreement", BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021.

**Motion Passed**

8. (2.7) Report of the Federation of Canadian Municipalities Board of Directors -Virtual Meeting - September 21 - 24, 2021

Motion made by: M. Cassidy

That the communication from Councillor J. Morgan regarding the Federation of Canadian Municipalities (FCM) update on board activities from the virtual meeting held on September 21-24, 2021 BE RECEIVED for information.

**Motion Passed**

8.4 15th Report of the Civic Works Committee

Motion made by: E. Pelosa

That the 15th Report of the Civic Works Committee, BE APPROVED.

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

**Motion Passed (15 to 0)**

1. Disclosure of Pecuniary Interest

Motion made by: E. Pelosa

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) Traffic and Parking By-law Process Improvement and Consolidation (Relates to Bill No.'s 11, 18 and 21)

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated November 23, 2021, related to the Traffic and Parking By-law consolidation and process improvement:

- a) the proposed by-law, as appended to the above-noted staff report as Appendix A, being a by-law to repeal and replace By-law No. PS-113 with a new Traffic and Parking By-law, to consolidate the multiple amendments which have been made to By-law PS-113 since its enactment and to implement the new administrative amendment process for routine matters, BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021;
- b) the proposed by-law, as appended to the above-noted staff report as Appendix B, being a by-law to amend By-law No. A-54 entitled, "A by-law to implement an Administrative Monetary Penalty System in London", BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021; and,
- c) the proposed by-law, as appended to the Civic Works Committee Added Agenda, being a by-law to repeal By-law No. CPOL.-222-474, as amended, being a By-law with respect to the Council Policy entitled "Traffic and Parking By-law Amendments", BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021; it being noted that a new administrative procedure will be put in place instead. (2021-T08/P01)

**Motion Passed**

3. (2.2) RFT 21-101 Springbank Reservoirs Cell 1 and 2 Chlorination Modifications - Irregular Result

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated November 23, 2021, related to the Springbank Reservoir Cells 1 and 2 Chlorination Modifications:

- a) the proposal submitted by Straightline Group Incorporated, 3030 Balmoral Avenue, Burlington, Ontario, L7N 1E2, in the amount of \$305,000.00, including contingency (\$30,000), excluding HST, BE AWARDED in accordance with Section 19.4 (b) and (c) and 8.10 (b) of the City of London's Procurement of Goods and Services Policy;
- b) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project; and,
- c) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2021-E03)

**Motion Passed**

- 4. (2.3) Revised Joint Occupancy and Use Agreement for Elgin-Middlesex Pumping Station (Relates to Bill No. 4)

Motion made by: E. Pelosa

That, on the recommendation of the Director, Water, Wastewater and Stormwater, the following actions be taken with respect to the staff report dated November 23, 2021, related to a revised Joint Occupancy and Use Agreement between Partner Municipalities and the Elgin Area Primary Water Supply System with respect to the Elgin-Middlesex Pumping Station:

- a) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 7, 2021, to approve a revised Joint Occupancy and Use Agreement between The Corporation of the City of London, the Elgin Area Primary Water Supply System, the Aylmer Area Secondary Water Supply System, and the St. Thomas Secondary Water Supply System with respect to the Elgin-Middlesex Pumping Station;
- b) the Mayor and the City Clerk BE AUTHORIZED to execute the Agreement, substantially in the form as appended to the above-noted by-law, and satisfactory to the City Solicitor, and all documents required to fulfill its conditions; and,
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this Agreement;

it being noted that the Boards of Management for the Elgin Area Primary Water Supply System and both Secondary Water Supply Systems are concurrently undertaking similar actions to enter into this Joint Occupancy and Use Agreement. (2021-E03)

**Motion Passed**

- 5. (2.4) Contract Award: Tender No. 21-98 - Downtown Loop and Municipal Infrastructure Improvements Phase 2

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated November 23, 2021, related to the award of contracts for the Downtown Loop and Municipal Infrastructure Improvements Phase 2 Project:

- a) the bid submitted by J-AAR Excavating Limited at its tendered price of \$17,170,499.96, excluding HST, BE ACCEPTED; it being noted that the bid submitted by J-AAR Excavating Limited was the lowest of 3 bids received and meets the City's specifications and requirements in all areas;
- b) Dillon Consulting Limited BE AUTHORIZED to carry out the resident inspection and contract administration for the said project in accordance with the estimate, on file, at an upset amount of \$1,532,614.00, excluding HST, in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;
- c) the financing for this project BE APPROVED as set out in the Source of Financing Report as appended to the Civic Works Committee Added Agenda;
- d) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this project;
- e) the approval given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract, or issuing a purchase order for the material to be supplied and the work to be done, relating to this project (Tender 21-98); and,
- f) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2021-T10)

**Motion Passed**

6. (2.5) Commemorative Naming of City Assets - Terms of Reference

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the staff report dated November 23, 2021, related to the Commemorative Naming of City Assets – Terms of Reference:

- a) the proposed Terms of Reference, as appended to the above-noted staff report, for reviewing the City's commemorative naming process(es) BE APPROVED; and,
- b) any further requests to change the names of facilities, parks, streets or other City assets BE DEFERRED until a public engagement process is complete, a tool for selecting names has been developed, and administrative process(es) have been updated;

it being noted that funding for physical changes to signage or other re-naming costs must be considered as part of the Multi-Year Budget process through business case submissions, pending



Council approval of the new policies and procedures. (2021-T00/R05)

**Motion Passed**

7. (2.6) Contract Award Amendment - RFP 21-37 Supply and Delivery of CNG Split Stream Rear Loading Waste Collection Trucks

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to the staff report dated November 23, 2021, related to the contract award amendment for RFP 21-37 – Supply and Delivery of CNG Split Stream Rear Loading Waste Collection Trucks:

a) the Civic Administration BE AUTHORIZED to undertake a contract award amendment in accordance with Section 20.3 (e) of the City of London’s Procurement of Goods and Services Policy as follows:

i) the award of RFP 21-37 to London Machinery Inc. (LMI) 15790 Robin’s Hill Road, London, Ontario N5V 0A4, at a total purchase price of \$10,755,520.00, excluding HST, BE CANCELLED;

ii) the next highest scoring submission from Team Truck Centre, 795 Wilton Grove Road, London, Ontario N6N 1N7, at a total purchase price of \$10,705,210.00, excluding HST, BE ACCEPTED;

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

c) the approval given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract, purchase order, or contract record relating to the subject matter of this approval; and,

d) the funding for this purchase BE APPROVED as set out in the Source of Financing Report, as appended to the above-noted staff report. (2021-V01)

**Motion Passed**

8. (4.1) New Sidewalks in Established Neighbourhoods

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the Civic Administration BE DIRECTED to develop a Neighbourhood Sidewalk Connectivity Plan approach, including a community engagement strategy, for new sidewalks on neighbourhood road and underground reconstruction projects as proposed in the staff report dated November 23, 2021, on a trial basis in 2022 to inform the 2023 Renew London Construction Program. (2021-T04)

**Motion Passed**

9. (4.2) New Sidewalk Project List 2022

Motion made by: E. Pelosa

That the following actions be taken with respect to the staff report dated November 23, 2021, related to the New Sidewalk Project List 2022:

- a) the installation of the sidewalk on Imperial Road BE REFERRED BACK to Civic Administration for consideration of including Imperial Road as part of the Neighbourhood Sidewalk Connectivity Plan; and,
- b) the above-noted staff report BE RECEIVED. (2021-T04)

**Motion Passed**

10. (5.1) Deferred Matters List

Motion made by: E. Pelosa

That the Civic Works Committee Deferred Matters List as at November 15, 2021, BE RECEIVED.

**Motion Passed**

11. (5.2) 10th Report of the Cycling Advisory Committee

Motion made by: E. Pelosa

That the following actions be taken with respect to the 10th Report of the Cycling Advisory Committee, from its meeting held on November 17, 2021:

- a) the following actions be taken with respect to the Notice of Public Information Centre #2, dated October 28, 2021, from P. Yanchuk, City of London and K. Welker, Stantec Consulting Ltd., related to the Windermere Road Improvements, City of London - Municipal Class Environment Assessment Study:
  - i) the Civic Administration BE REQUESTED to consider including a southbound bicycle lane on the west side of Richmond Street, north of Windermere Road to the Thames Valley Parkway south of the bridge, to facilitate uni-directional bicycle lanes and to allow for easy access to the properties located on the west side of Richmond Street; and,
  - b) clauses 1.1, 2.1 to 2.6 and 3.1 to 3.3, BE RECEIVED.

**Motion Passed**

8.5 17th Report of the Strategic Priorities and Policy Committee

Motion made by: E. Pelosa

That the 17th Report of the Strategic Priorities and Policy Committee, BE APPROVED.

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

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: E. Pelosa

Councillor S. Turner discloses a pecuniary interest with respect to any items related to the London Public Library (LPL), by indicating that his spouse is employed by the LPL.

**Motion Passed**

2. (3.1) 2022 Budget Public Participation Meeting

Motion made by: E. Pelosa

That the following written submissions for the 2022-2023 Multi-Year Budget 2021 Public Participation Meeting BE RECEIVED for consideration by the Municipal Council as part of its 2021 Multi-Year approval process:

- a communication dated November 15, 2021 from A. Oudshoorn, Associate Professor, Arthur Labatt Family Chair in Nursing Leadership in Health Equity, Arthur Labatt Family School of Nursing;
- a communication dated November 24, 2021 from S. Franke, President, Urban League of London;
- a communication dated November 23, 2021 from B. Morrison;
- a communication dated November 23, 2021 from M. Larsen;
- a communication dated November 24, 2021 from C. Butler;
- a communication from S. Levin;
- a communication dated November 26, 2021 from London Environmental Network;
- a communication dated November 26, 2021 from Antler River Rally;
- a communication from Z. Fakirani, President and E. Oladejo, Vice President, External Affairs, Western University Students' Council;

it being noted that at the public participation meeting associated with this matter, the following individuals made oral submissions regarding this matter:

- D. Devine - speaking with respect to the need for increased investments for housing and homelessness;
- E. Oladejo, Vice President, External Affairs, Western University Students' Council - supporting increased work for the inclusion of gender considerations in decision making;
- AM Valastro - requesting that property taxes not be increased;
- R. Hope, Volunteer, Antler River Rally - supporting the proposed wastewater and treatment budget amendment (Case #WWT-1);
- S. Levin - addressing the submission included on the agenda, specifically a request to increase funding the the Upper Thames River Conservation Authority; and,

- S. Franke, President, Urban League of London - speaking to the submission on the public agenda, specifically addressing the Neighbourhood Decision Making program.

**Motion Passed**

8.6 18th Report of the Strategic Priorities and Policy Committee

Motion made by: J. Morgan

That Items 1 through 13, inclusive, of the 18th Report of the Strategic Priorities and Policy Committee, BE APPROVED.

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

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: J. Morgan

Councillor S. Turner discloses a pecuniary interest with respect item 4.10, having to do with the London Public Library (LPL) Board of Directors vacancy, by indicating that his spouse is employed by the LPL.

**Motion Passed**

2. (2.1) Strategy to Reduce Core Area Vacancy

Motion made by: J. Morgan

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to a proposed strategy that sets out potential tools that may assist in reducing core area land and building vacancy:

a) the staff report dated November 30, 2021 entitled Terms of Reference to Address the Council Resolution from July 6, 2021 BE RECEIVED;

b) the Terms of Reference described in the staff report as Appendix "A": Terms of Reference: Scope of Work to Address the Council Resolution from July 6, 2021 BE APPROVED;

c) the integration of the work to address the Council Resolution from May 25, 2021 with respect to parking in the core into this Terms of Reference BE APPROVED;

d) the Civic Administration BE DIRECTED to work with the LEDC to develop a business case for consideration from the \$10 Million funding previously authorized to be contributed to the Economic Development Reserve Fund to support social and economic recovery measures; and,

e) the Civic Administration BE DIRECTED to move forward with the Implementation Plan described in the report dated November 29, 2021.

**Motion Passed**

3. (2.2) November 2021 Semi-Annual Progress Report and 2021 Report to the Community

Motion made by: J. Morgan

That, on the recommendation of the City Manager, the staff report dated November 30, 2021 including the November 2021 Semi-Annual Progress Report and 2021 Report to the Community BE RECEIVED for information.

**Motion Passed**

4. (2.3) 2021 Resident Satisfaction Survey

Motion made by: J. Morgan

That, on the recommendation of the City Manager, the staff report dated November 30, 2021, including the 2021 Resident Satisfaction Survey, BE RECEIVED for information.

**Motion Passed**

5. (3.1) 9th Report of the Diversity, Inclusion and Anti-Oppression Advisory Committee

Motion made by: J. Morgan

That the following actions be taken with respect to the 9th Report of the Diversity, Inclusion and Anti-Oppression Advisory Committee from its meeting held on November 18, 2021:

a) the following actions be taken with respect to the Policy and Planning Sub-Committee:

i) the final DIAAC 2021 Year End Report BE FORWARDED to the Strategic Priorities and Policy Committee and the Civic Administration for their consideration; and,

ii) the verbal update from K. Arnold, with respect to the Policy and Planning Sub-Committee report, BE RECEIVED;

it being noted that the Diversity, Inclusion and Anti-Oppression Advisory Committee (DIAAC) held a general discussion with respect to the following Council Policies: Flags at City Hall, Illumination of City of London Buildings and Amenities, and Issuance of Proclamations Policy;

it being further noted that the Policy and Planning Sub-Committee will report back to DIAAC with potential recommendations for amendments with respect to the above-noted policies;

b) the following actions be taken with respect to the River Road Golf Course Arson Incident:

i) B. Hill, member of the Diversity, Inclusion and Anti-Oppression Advisory Committee (DIAAC), BE AUTHORIZED to speak on behalf of DIAAC with respect to this matter, at the Strategic

Priorities and Policy Committee (SPPC) meeting to be held on November 30, 2021; and,

ii) a Sub-Committee BE ESTABLISHED to prepare a communication, with respect to this matter, to be presented at the above-noted SPPC meeting;

c) clauses 1.1, 2.1, 2.2, 3.1, 4.1, 4.2,4.4 and 5.1 BE RECEIVED; it being noted that the Strategic Priorities and Policy Committee received a verbal report from B. Hill with respect to this matter.

**Motion Passed**

6. (4.1) Committee Appointment Preferences submitted by Council Members

Motion made by: J. Morgan

That the following appointments BE MADE to the Standing Committees of the Municipal Council for the term December 1, 2021 to November 14, 2022:

a) Planning and Environment Committee

Councillor A. Hopkins (Chair)  
Councillor S. Lehman  
Councillor S. Lewis  
Councillor S. Hillier  
Councillor S. Turner

b) Civic Works Committee

Councillor E. Pelozza (Chair)  
Councillor J. Fyfe-Millar  
Councillor M. van Holst  
Councillor P. Van Meerbergen  
Councillor J. Helmer

c) Community and Protective Services Committee

Councillor M. Cassidy (Chair)  
Councillor M. Hamou  
Councillor J. Helmer  
Councillor M. Salih  
Councillor S. Hillier

d) Corporate Services Committee

Councillor S. Lewis (Chair)  
Councillor J. Morgan  
Councillor J. Fyfe-Millar  
Councillor M. Cassidy  
Councillor M. Hamou

**Motion Passed**

7. (4.2) Consideration of Appointment to the Covent Garden Market Board of Directors

Motion made by: J. Morgan

That Councillor J. Fyfe-Millar BE APPOINTED to the Covent Garden Market Board of Directors for the term ending November 14, 2022.

**Motion Passed**

8. (4.3) Consideration of Appointment to the London & Middlesex Community Housing

Motion made by: J. Morgan

That the following actions be taken:

a) Councillor S. Lewis BE APPOINTED to the London and Middlesex Community Housing for the term ending November 14, 2022; and,

b) the City Clerk BE DIRECTED to bring forward applications to be considered to fill the tenant vacancy at a future meeting of the Strategic Priorities and Policy Committee;

it being noted that the Strategic Priorities and Policy Committee received a communication dated November 22, 2021 from P. Chisholm, Chief Executive Officer, London & Middlesex Community Housing with respect to this matter.

**Motion Passed**

9. (4.4) Consideration of Appointment to the London Transit Commission

Motion made by: J. Morgan

That Councillor A. Hopkins BE APPOINTED to the London Transit Commission for the term ending November 14, 2022.

**Motion Passed**

10. (4.5) Consideration of Appointment to the Middlesex-London Health Unit Board of Directors

Motion made by: J. Morgan

That Councillor M. Hamou BE APPOINTED to the Middlesex-London Health Unit Board of Directors for the term ending November 14, 2022.

**Motion Passed**

11. (4.6) Consideration of Appointment to the Tourism London Board of Directors

Motion made by: J. Morgan

That Councillor S. Hillier BE APPOINTED to the Tourism London Board of Directors for the term ending November 14, 2022; it being noted that the Strategic Priorities and Policy Committee received a communication dated September 23, 2021 from C. Finn, General Manager, Tourism London regarding this matter.

**Motion Passed**

12. (4.7) Consideration of Appointment to the Western Fair Association Programming Council

Motion made by: J. Morgan

That Councillor S. Hillier BE APPOINTED to the Western Fair Association Programming Council for the term ending November 14, 2022; it being noted that the Strategic Priorities and Policy Committee received a communication dated October 14, 2021 from R. Ash, CEO, Western Fair District with respect to this matter.

**Motion Passed**

13. (4.8) Consideration of Appointment to the Committee of Adjustment

Motion made by: J. Morgan

That Antonio D. Santiago BE APPOINTED to the Committee of Adjustment for the term ending November 14, 2022.

**Motion Passed**

14. (4.9) 4th and 5th Reports of the Governance Working Group

That the following actions be taken with respect to the 4th and 5th Reports of the Governance Working Group from its meetings held on November 8 and 15, 2021, respectively:

a) the Civic Administration BE DIRECTED to report back to the November 15 meeting of the Governance Working Group with respect to draft information related to the following potential amendments to the Council Members' Expense Account Policy, prior to moving any recommendations to the SPPC:

- i) an amendment to the Councillor Expense Account that would provide for one annual ward-wide mail out per year, including printing and distribution by Canada Post, to be covered by the Office budget, not individual expense accounts; it being noted that this opportunity would provide for a more equitable opportunity for outreach with citizenry between wards of various size and population;
- ii) an amendment to the Councillor Expense Account (and related policies) that would remove the ability to claim home internet costs for reimbursement;
- iii) an amendment to 4.2 c) iii) to add additional permissive wording for community and/or ward events, including but not limited to prizes, rental or other "sponsorship" while maintaining the annual \$1,200 maximum value and include some potential examples of these uses;
- iv) an amendment to 4.2 c) vi) to add more permissive wording for advertisements that would reduce limitations on use and types including to not be limited to newspaper publications, permit various media opportunities and while maintaining the annual \$1,000 maximum;
- v) an amendment to 4.2 a) to include conference registration for FCM and AMO as an expense that is excluded from the expense account, and to be covered by the general office budget; it being noted that any associated travel expenses would continue to be covered by c) i);

b) the following actions be taken with respect to the general operations of Municipal Council:

- i) the Civic Administration BE DIRECTED to make the necessary changes to facilitate Council meetings to be held starting at 1:00 PM, beginning with the 2022 term of Council, while still being based



on the current meeting schedule; it being noted that the 2022/2023 meeting calendar will reflect this change when it is brought forward to a future Corporate Services Committee meeting for consideration; and,

ii) the Civic Administration BE DIRECTED to report back to the GWG with respect to recommendations related to the survey results and other feedback related to the staff support model in the Councillors' office, in terms of the themes of increased resources and more flexibility in support duties;

it being noted that the Governance Working Group received the Councillor survey results with respect to this matter;

c) that consideration of clause 3.1 of the 5th Report of the Governance Working Group, related to the Advisory Committee Review Final Report BE REFERRED to a future meeting of the Governance Working Group (GWG) in order to invite all members of the current advisory committees to have a discussion with the GWG with respect to this matter;

d) the ~~attached~~ revised Council Members' Expense Account Policy BE FORWARDED to the Strategic Priorities and Policy Committee for approval; it being noted that the proposed changes would come into effect for the next term of Council; and

e) clauses 1.1 and 3.3 from the 4th Report of the Governance Working Group and clauses 1.1, 2.1 and 4.2 from the 5th Report of the Governance Working BE RECEIVED:

it being noted that the Strategic Priorities and Policy Committee received a communication dated November 25, 2021 from S. Franke, President, Urban League of London with respect to the City's Advisory Committees.

Motion made by: J. Morgan

Motion to approve part a):

That the following actions be taken with respect to the 4th and 5th Reports of the Governance Working Group from its meetings held on November 8 and 15, 2021, respectively:

a) the Civic Administration BE DIRECTED to report back to the November 15 meeting of the Governance Working Group with respect to draft information related to the following potential amendments to the Council Members' Expense Account Policy, prior to moving any recommendations to the SPPC:

i) an amendment to the Councillor Expense Account that would provide for one annual ward-wide mail out per year, including printing and distribution by Canada Post, to be covered by the Office budget, not individual expense accounts; it being noted that this opportunity would provide for a more equitable opportunity for outreach with citizenry between wards of various size and population;

ii) an amendment to the Councillor Expense Account (and related policies) that would remove the ability to claim home internet costs for reimbursement;

iii) an amendment to 4.2 c) iii) to add additional permissive wording for community and/or ward events, including but not limited to prizes, rental or other "sponsorship" while maintaining the annual \$1,200 maximum value and include some potential examples of these uses;

iv) an amendment to 4.2 c) vi) to add more permissive wording for advertisements that would reduce limitations on use and types including to not be limited to newspaper publications, permit various media opportunities and while maintaining the annual \$1,000 maximum;

v) an amendment to 4.2 a) to include conference registration for FCM and AMO as an expense that is excluded from the expense account, and to be covered by the general office budget; it being noted that any associated travel expenses would continue to be covered by c) i);

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

Nays: (2): J. Helmer, and M. Cassidy

**Motion Passed (13 to 2)**

Motion made by: J. Morgan

Motion to approve part b) i):

b) the following actions be taken with respect to the general operations of Municipal Council:

i) the Civic Administration BE DIRECTED to make the necessary changes to facilitate Council meetings to be held starting at 1:00 PM, beginning with the 2022 term of Council, while still being based on the current meeting schedule; it being noted that the 2022/2023 meeting calendar will reflect this change when it is brought forward to a future Corporate Services Committee meeting for consideration; and,

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

Nays: (3): M. Cassidy, A. Hopkins, and S. Turner

**Motion Passed (12 to 3)**

Motion made by: J. Morgan

ii) the Civic Administration BE DIRECTED to report back to the GWG with respect to recommendations related to the survey results and other feedback related to the staff support model in the Councillors' office, in terms of the themes of increased resources and more flexibility in support duties;

it being noted that the Governance Working Group received the Councillor survey results with respect to this matter;

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

**Motion Passed (15 to 0)**

Motion made by: J. Morgan

Motion to approve part c):

c) that consideration of clause 3.1 of the 5th Report of the Governance Working Group, related to the Advisory Committee Review Final Report BE REFERRED to a future meeting of the Governance Working Group (GWG) in order to invite all members of the current advisory committees to have a discussion with the GWG with respect to this matter;

**Amendment:** Motion made by: S. Lewis

Seconded by: P. Van Meerbergen

That part c) BE AMENDED, by adding the following at the end of the clause:

"with specific dialogue to include discussion related to the proposed pause of populating some committees and the associated discussion with respect to the proposed committees/task forces for the Master Mobility Plan and the Climate Emergency Action Plan."

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

**Motion Passed (15 to 0)**

Motion made by: J. Morgan

Seconded by: S. Lewis

Motion to approve part c), as amended.

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

**Motion Passed (15 to 0)**

Part c), as amended, reads as follows:

c) that consideration of clause 3.1 of the 5th Report of the Governance Working Group, related to the Advisory Committee Review Final Report BE REFERRED to a future meeting of the Governance Working Group (GWG) in order to invite all members of the current advisory committees to have a discussion with the GWG with respect to this matter with specific dialogue to include discussion related to the proposed pause of populating some committees and the associated discussion with respect to the proposed committees/task forces for the Master Mobility Plan and the Climate Emergency Action Plan;

Motion made by: J. Morgan

Motion to approve part d):

d) the ~~attached~~ revised Council Members' Expense Account Policy BE FORWARDED to the Strategic Priorities and Policy Committee for approval; it being noted that the proposed changes would come into effect for the next term of Council; and

Yeas: (12): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, J. Fyfe-Millar, and S. Hillier

Nays: (3): J. Helmer, P. Van Meerbergen, and E. Pelozza

**Motion Passed (12 to 3)**

Motion made by: J. Morgan

Motion to approve the balance of the clause:

e) clauses 1.1 and 3.3 from the 4th Report of the Governance Working Group and clauses 1.1, 2.1 and 4.2 from the 5th Report of the Governance Working Group BE RECEIVED:

it being noted that the Strategic Priorities and Policy Committee received a communication dated November 25, 2021 from S. Franke, President, Urban League of London with respect to the City's Advisory Committees.

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

**Motion Passed (15 to 0)**

Clause 4.9, as amended, reads as follows:

That the following actions be taken with respect to the 4th and 5th Reports of the Governance Working Group from its meetings held on November 8 and 15, 2021, respectively:

- a) the Civic Administration BE DIRECTED to report back to the November 15 meeting of the Governance Working Group with respect to draft information related to the following potential amendments to the Council Members' Expense Account Policy, prior to moving any recommendations to the SPPC:
- i) an amendment to the Councillor Expense Account that would provide for one annual ward-wide mail out per year, including printing and distribution by Canada Post, to be covered by the Office budget, not individual expense accounts; it being noted that this opportunity would provide for a more equitable opportunity for outreach with citizenry between wards of various size and population;
  - ii) an amendment to the Councillor Expense Account (and related policies) that would remove the ability to claim home internet costs for reimbursement;
  - iii) an amendment to 4.2 c) iii) to add additional permissive wording for community and/or ward events, including but not limited to prizes, rental or other "sponsorship" while maintaining the annual \$1,200 maximum value and include some potential examples of these uses;
  - iv) an amendment to 4.2 c) vi) to add more permissive wording for advertisements that would reduce limitations on use and types including to not be limited to newspaper publications, permit various media opportunities and while maintaining the annual \$1,000 maximum;
  - v) an amendment to 4.2 a) to include conference registration for FCM and AMO as an expense that is excluded from the expense account, and to be covered by the general office budget; it being

noted that any associated travel expenses would continue to be covered by c) i);

b) the following actions be taken with respect to the general operations of Municipal Council:

i) the Civic Administration BE DIRECTED to make the necessary changes to facilitate Council meetings to be held starting at 1:00 PM, beginning with the 2022 term of Council, while still being based on the current meeting schedule; it being noted that the 2022/2023 meeting calendar will reflect this change when it is brought forward to a future Corporate Services Committee meeting for consideration; and,

ii) the Civic Administration BE DIRECTED to report back to the GWG with respect to recommendations related to the survey results and other feedback related to the staff support model in the Councillors' office, in terms of the themes of increased resources and more flexibility in support duties; it being noted that the Governance Working Group received the Councillor survey results with respect to this matter;

c) that consideration of clause 3.1 of the 5th Report of the Governance Working Group, related to the Advisory Committee Review Final Report BE REFERRED to a future meeting of the Governance Working Group (GWG) in order to invite all members of the current advisory committees to have a discussion with the GWG with respect to this matter with specific dialogue to include discussion related to the proposed pause of populating some committees and the associated discussion with respect to the proposed committees/task forces for the Master Mobility Plan and the Climate Emergency Action Plan;

d) the ~~attached~~ revised Council Members' Expense Account Policy BE FORWARDED to the Strategic Priorities and Policy Committee for approval; it being noted that the proposed changes would come into effect for the next term of Council; and

e) clauses 1.1 and 3.3 from the 4th Report of the Governance Working Group and clauses 1.1, 2.1 and 4.2 from the 5th Report of the Governance Working BE RECEIVED: it being noted that the Strategic Priorities and Policy Committee received a communication dated November 25, 2021 from S. Franke, President, Urban League of London with respect to the City's Advisory Committees.

15. (4.10) London Public Library Board of Directors Vacancy

Motion made by: J. Morgan

That the following actions be taken with respect to the Library Board of Directors vacancy notification:

a) contact current applications on file, to confirm that those individuals remain interested in consideration for appointment;

b) seek additional applications to fill the vacancy on the Board; and,

c) bring forward applications, noted in parts a) and b), above for consideration at a future meeting of the Strategic Priorities and Policy Committee.

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

Recuse: (1): S. Turner

**Motion Passed (14 to 0)**

16. (5.1) Governance Working Group Membership

Motion made by: J. Morgan

Seconded by: S. Lewis

That the following members of Council BE APPOINTED to the Governance Working Group for the remainder of the term:

Councillor Cassidy

Councillor Fyfe-Millar

Councillor Hamou

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

**Motion Passed (15 to 0)**

Motion made by: S. Lewis

Seconded by: M. Cassidy

That the Council recess at this time.

**Motion Passed**

The Council recesses at 6:40 PM, and resumes at 6:56 PM.

**10. Deferred Matters**

None.

**11. Enquiries**

None.

**12. Emergent Motions**

Motion made by: J. Fyfe-Millar

Seconded by: S. Lewis

That pursuant to section 20.2 of the Council Procedure By-law leave be given for the introduction of a motion for reconsideration of a decided matter of Council.

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

**Motion Passed (15 to 0)**

Motion made by: P. Van Meerbergen  
Seconded by: M. van Holst

That reconsideration of the vote for Item 14, clause 4.9, part b)i), of the 18th Report of the Strategic Priorities and Policy Committee BE APPROVED; it being noted that a voting error was identified.

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

**Motion Passed (15 to 0)**

Motion made by: J. Morgan  
Seconded by: J. Fyfe-Millar

Motion to approve part b) i) of clause 4.9:

b) the following actions be taken with respect to the general operations of Municipal Council:

i) the Civic Administration BE DIRECTED to make the necessary changes to facilitate Council meetings to be held starting at 1:00 PM, beginning with the 2022 term of Council, while still being based on the current meeting schedule; it being noted that the 2022/2023 meeting calendar will reflect this change when it is brought forward to a future Corporate Services Committee meeting for consideration; and,

Yeas: (10): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, M. Hamou, J. Morgan, S. Lehman, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (5): M. Salih, M. Cassidy, A. Hopkins, P. Van Meerbergen, and S. Turner

**Motion Passed (10 to 5)**

### **13. By-laws**

Motion made by: P. Van Meerbergen  
Seconded by: J. Fyfe-Millar

That introduction and first reading of Bill No.'s 1 to 36, including the revised Bill No. 34, BE APPROVED.

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

**Motion Passed (15 to 0)**

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

That second reading of Bill No.'s 1 to 36, including the revised Bill No. 34, BE APPROVED.

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

**Motion Passed (15 to 0)**

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

That third reading and enactment of Bill No.'s 1 to 36, including the revised Bill No. 34, BE APPROVED.

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

**Motion Passed (15 to 0)**

#### **4. Council, In Closed Session**

Motion made by: M. Cassidy  
Seconded by: E. Pelozza

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

##### **4.1 Labour Relations/Employee Negotiations**

A matter pertaining to reports, advice and recommendations of officers and employees of the Corporation concerning labour relations and employee negotiations in regards to one of the Corporation's unions including communications necessary for that purpose and for the purpose of providing instructions and direction to officers and employees of the Corporation. (6.1/19/CSC)

##### **4.2 Solicitor-Client Privileged Advice / Personal Matters/Identifiable Individual**

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers or employees of the Corporation; and pertains to personal matters about an identifiable individual with respect to employment-related matters and advice and recommendations of officers and employees of the Corporation including communications necessary for that purpose. (6.2/19/CSC)

##### **4.3 Litigation/Potential Litigation / Solicitor-Client Privileged Advice**

A matter pertaining to litigation or potential litigation with respect to the expropriation of property located at 600 Adelaide Street North; advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with the expropriation of property located at 600 Adelaide Street North; and directions and instructions to officers and employees or agents of the municipality regarding settlement negotiations and conduct of litigation or potential litigation in connection with the expropriation of a property located at 600 Adelaide Street North. (6.3/19/CSC)

##### **4.4 Personal Matters/Identifiable Individual**

A matter pertaining to personal matters about an identifiable individual with respect to employment-related matters and advice and recommendations of officers and employees of the Corporation including communications necessary for that purpose. (6.4/19/CSC)

**Motion Passed**

The Council convenes, In Closed Session, at 7:06 PM; the Council reconvenes, in public session, at 7:50 PM.

#### **9. Added Reports**

##### **9.1 1st Report of Council in Closed Session**

At 7:57 PM, His Worship the Mayor places Councillor J. Morgan in the Chair.



At 8:00 PM, His Worship the Mayor resumes the Chair.

Motion made by: J. Fyfe-Millar

Seconded by: S. Lehman

1. SEIU RN – Tentative Agreement

That, on the recommendation of the Deputy City Manager, Enterprise Supports the attached Memorandum of Agreement and Agreed To Items dated September 20 and 21, 2021 concerning the 2021-2023 Collective Agreement for Service Employees International Union Local 1 (Registered Nurses Bargaining Unit Full Time and Part Time Bargaining Units) representing full-time and part-time Registered Nurses at the Dearness Home BE RATIFIED.

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

**Motion Passed (15 to 0)**

Motion made by: S. Lewis

Seconded by: E. Pelozza

That introduction and first reading of Added Bill No. 37 BE APPROVED.

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

**Motion Passed (15 to 0)**

Motion made by: S. Lewis

Seconded by: J. Helmer

That second reading of Added Bill No. Bill No. 37 BE APPROVED.

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

Absent: (1): S. Turner

**Motion Passed (14 to 0)**

Motion made by: J. Helmer

Seconded by: S. Hillier

That third reading and enactment of Added Bill No. 37 BE APPROVED.

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

Absent: (1): S. Turner

**Motion Passed (14 to 0)**

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

Bill No. 1	By-law No. A.-8191-1 - A by-law to confirm the proceedings of the Council Meeting held on the 7th day of December, 2021. (City Clerk)
Bill No. 2	By-law No. A.-8192-2 - A by-law to authorize and approve a standard form Loan Contribution Agreement for capital funding under the Community Homelessness Prevention Initiative (CHPI) Program – SSRF 4. (2.6b/16/CPSC)
Bill No. 3	By-law No. A.-8193-3 - A by-law to delegate authority to the City Treasurer and City Solicitor to approve Contribution Agreements between The Corporation of the City of London and Vision SoHo Alliance members and to authorize the Mayor and Clerk to execute the Contribution Agreements. (2.8c/16/CPSC)
Bill No. 4	By-law No. A.-8194-4 - A by-law to approve a Joint Occupancy and Use Agreement between the Corporation of the City of London, the Elgin Area Primary Water Supply System, the Aylmer Area Secondary Water Supply System, and the St. Thomas Secondary Water Supply System with respect to the Elgin-Middlesex Pumping Station. (2.3/15/CWC)
Bill No. 5	By-law No. A.-8195-5 - A by-law to authorize the City Treasurer or Deputy Treasurer of The Corporation of the City of London to borrow certain sums to meet current expenditures of the Corporation for the year 2022. (2.2/19/CSC)
Bill No. 6	By-law No. A.-8196-6 - A bylaw to authorize the signing of cheques and electronic funds or wire transfers on certain bank accounts of The Corporation of the City of London, and to repeal By-law A.-7473-288 entitled “A bylaw to authorize the signing of cheques and electronic funds or wire transfers on certain bank accounts of The Corporation of the City of London, and to repeal By-law no. A.-7473-288 (2.4c/19/CSC)
Bill No. 7	By-law No. A.-8197-7 - A by-law to authorize the Director, People Services to approve the agreement between The Corporation of the City of London and SAP Canada Inc. for a Human Resources Information System and to authorize the Mayor and City Clerk to execute the Agreement. (2.6e/19/CSC)
Bill No. 8	By-law No. A.-6151(ad)-8 - A by-law to amend By-law No. A.-6151-17, being “A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the Municipal Act, 2001” by deleting and replacing Schedule “A”, being “Sale and Other Disposition of Land Policy”. (2.5b/19/CSC)

Bill No. 9	By-law No. A.-7955(a)-9 - A by-law to amend By-law A.-7955-83, “a bylaw to authorize the Mayor and City Clerk to execute the Resolution Regarding Banking and the Master Client Agreement for Business Client Authorization and any contract or document with the Royal Bank relating to the Ontario Works Royal Bank of Canada Right Pay Reloadable Payment Card Program and to authorize the signing of cheques and the withdrawal or transfer of funds.” (2.4a/19/CSC)
Bill No. 10	By-law No. A.-8047(a)-10 - A by-law to amend By-law A.-8047-15, “A bylaw to approve an Amending Agreement between the Bank of Nova Scotia and The Corporation of the City of London”. (2.4b/19/CSC)
Bill No. 11	By-law No. A-54-22008 - A by-law to amend By-law No. A-54, as amended, being “A by-law to implement an Administrative Monetary Penalty System in London”. (2.1b/15/CWC)
Bill No. 12	By-law No. C.P.-1284(wm)-11 - A by-law to amend the Official Plan for the City of London, 1989 relating to 370 South Street and 124 Colborne Street. (3.4a/17/PEC)
Bill No. 13	By-law No. C.P.-1284(wn)-12 - A by-law to amend the Official Plan for the City of London, 1989 relating to 370 South Street and 124 Colborne Street. (3.4c/17/PEC)
Bill No. 14	By-law No. C.P.-1512(au)-13 - A by-law to amend The London Plan for the City of London, 2016. (3.2a/17/PEC)
Bill No. 15	By-law No. C.P.-1512(av)-14 - A by-law to amend The London Plan for the City of London, 2016 relating to 370 South Street and 124 Colborne Street. (3.4b/17/PEC)
Bill No. 16	By-law No. C.P.-1573-15 - A by-law to exempt from Part-Lot Control, lands located at 1790 Finley Crescent, legally described as Block 100 in Registered Plan 33M-733. (2.6/17/PEC)
Bill No. 17	By-law No. C.P.-1574-16 - A by-law to exempt from Part-Lot Control, lands located at 2313 and 2373 Callingham Drive, legally described as Blocks 2 and 3 of Registered Plan 33M-664. (2.13/17/PEC)
Bill No. 18	By-law No. CPOL.-408-17 - A by-law to repeal By-Law No. CPOL.-222-474, and related amendments thereto, being “A by-law to revoke and repeal Council policy related to Traffic By-law Amendments and replace it with a new Council policy entitled Traffic & Parking By-law Amendments” (2.1c/15/CWC)
Bill No. 19	By-law No. CPOL.-275(b)-18 - A by-law to amend By-law No. CPOL.-275(a)-159, being “Free of Fear Services for All Policy” by deleting and replacing Schedule “A”. (2.5a/19/CSC)

Bill No. 20	By-law No. L.S.P.-3495-19 - A by-law to designate 44 Bruce Street to be of cultural heritage value or interest. (4.1/13/PEC)
Bill No. 21	By-law No. PS-114 - A by-law to regulate traffic and the parking of motor vehicles in the City of London, and to repeal By-law No. PS-113, as amended, entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London". (2.1a/15/CWC)
Bill No. 22	By-law No. S.-6154-20 - A by-law to assume certain works and services in the City of London. (Summerside Subdivision Phase 12B, 33M-699) (Deputy City Manager, Environment and Infrastructure)
Bill No. 23	By-law No. S.-6155-21 - A by-law to assume certain works and services in the City of London. (Foxwood Subdivision Phase 1, 33M-685) (Deputy City Manager, Environment and Infrastructure)
Bill No. 24	By-law No. S.-6156-22 - A by-law to assume certain works and services in the City of London. (Stoneycreek Subdivision Phase 1, 33M-701) (Deputy City Manager, Environment and Infrastructure)
Bill No. 25	By-law No. S.-6157-23 - A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Southdale Road East and Wellington Road) (Chief Surveyor - for road widening purposes registered as ER1387576, pursuant to SPA20-038 and in accordance with Z.-1)
Bill No. 26	By-law No. S.-6158-24 - A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Wonderland Road North, north of Fanshawe Park Road West) (Chief Surveyor - for road widening purposes registered as ER1399708, pursuant to SPA20-040 and in accordance with Z.-1)
Bill No. 27	By-law No. S.-6159-25 - A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Turner Crescent) (Chief Surveyor - registration of 33M-790 requires 0.3m Reserves on the abutting Plans, being 33M-699 and 33M-772, to be dedicated as public highway for unobstructed legal access throughout the Subdivision)
Bill No. 28	By-law No. Z.-1-222972 - A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 915 Upperpoint Avenue. (2.4/17/PEC)
Bill No. 29	By-law No. Z.-1-222973 - A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 235 Kennington way. (2.5/17/PEC)

Bill No. 30	By-law No. Z.-1-222974 - A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for lands located at 1478 Westdel Bourne. (2.8/17/PEC)
Bill No. 31	By-law No. Z.-1-222975 - A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1595 Capri Crescent (1600 Twilite Boulevard). (2.12/17/PEC)
Bill No. 32	By-law No. Z.-1-222976 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3047 White Oak Road. (3.1/17/PEC)
Bill No. 33	By-law No. Z.-1-222977 - A by-law to amend By-law No. Z.-1 to make changes to allow the growing of food within the City's urban growth boundary. (3.2b/17/PEC)
Bill No. 34	By-law No. Z.-1-222978 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 99 Southdale Road West. (3.3a/17/PEC)
Bill No. 35	By-law No. Z.-1-222979 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 370 South Street and 124 Colborne Street. (3.4d/17/PEC)
Bill No. 36	By-law No. Z.-1-222980 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3095 & 3105 Bostwick Road. (3.6/17/PEC)
Bill No. 37	By-law No. A.-8198-26 - A by-law to appoint Michael Schulthess as the City Clerk of The Corporation of the City of London and repeal By-law No. A.-6429-315 being "A by-law to appoint Catharine Saunders as the City Clerk of The Corporation of the City of London" and By-law A.-8088-120 being "A by-law to appoint Michael Schulthess as Deputy Clerk". (City Clerk)

#### 14. Adjournment

Motion made by: E. Pelosa  
 Seconded by: S. Lewis

That the meeting be adjourned.

**Motion Passed**

The meeting adjourns at 8:31 PM.

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Ed Holder, Mayor

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Catharine Saunders, City Clerk

Bill No. 34  
2022

By-law No. Z.-1-222978

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 99 Southdale Road West.

WHEREAS Southdale West Holdings Inc. has applied to rezone an area of land located at 99 Southdale Road West, as shown on the map attached to this by-law, as set out below;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 99 Southdale Road West, as shown on the attached map comprising part of Key Map No. A111 from an Urban Reserve (UR4) Zone and an Environmental Review (ER) Zone to a Residential R9 Special Provision Zone (R9-5(1) Zone and Open Space (OS4) Zone.
- 2) Section Number 13.4 of the Residential R9 (R9-5) Zone is amended by adding the following Special Provisions:

R9-5(1) 99 Southdale Road West

a) Regulations:

- |      |   |                       |
|------|---|-----------------------|
| i)   | Density<br>(maximum)  | 100 units per hectare |
| ii)  | Height<br>(maximum)   | 29.5 metres           |
| iii) | Front yard<br>(minimum)   | 6.0 metres            |
| iv)  | West Side Yard<br>(minimum)   | 6.5 metres            |
| v)   | East Side Yard<br>(minimum)   | 12.0 metres           |
| vi)  | Rear Yard   | 6.0 metres            |
| vii) | The density, lot area, lot coverage and landscaped open space calculations shall be based on a lot area which includes the lands in the abutting Open Space (OS4) Zone. |                       |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

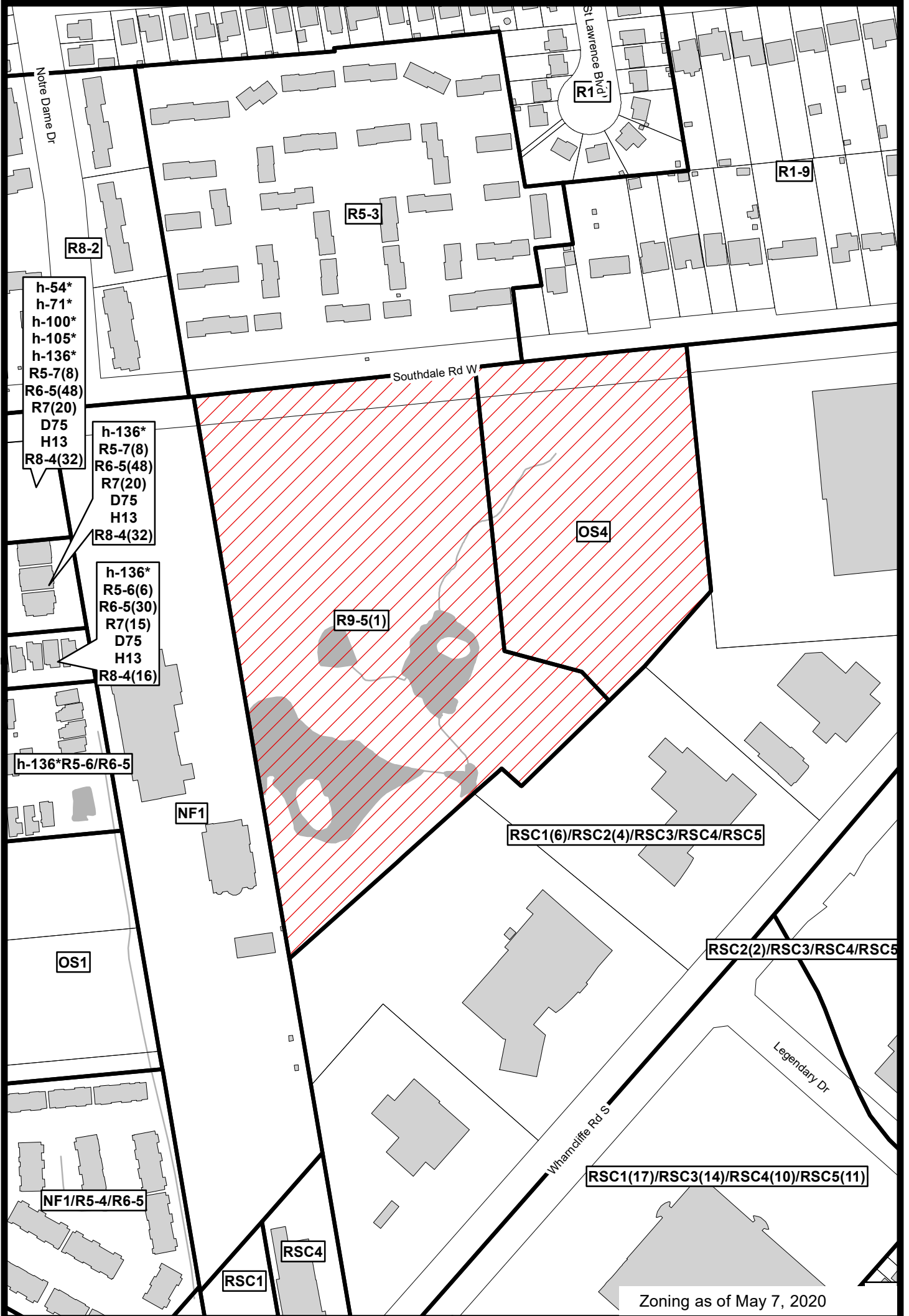
PASSED in Open Council on December 7, 2021.

Ed Holder  
Mayor

Barb Westlake-Power  
Deputy City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9162

Planner: SM

Date Prepared: 2020/06/15

Technician: RC

By-Law No: Z.-1-222978

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters





October 25, 2021 at approximately 6:30PM

**This offer is a total package offer – the offer must be agreed in its entirety.**

**MEMORANDUM OF AGREEMENT**

**BETWEEN**

**Dearness Home (The Corporation of The City of London)**

(the “Employer”)

**AND**

**Service Employees International Union Local 1 Canada  
(Registered Nurses Bargaining Unit Full Time & Part Time Bargaining Units)**

(the “Union”)

The representatives of the Corporation and the Union have accepted and agreed to recommend to their respective principals for ratification, terms of settlement per the following. **It is recognized that all changes (including benefit changes) unless otherwise specified, shall come into effect 30 calendar days following ratification by both Parties, and that any benefit changes shall come into effect 30 days following ratification by both Parties unless otherwise indicated.** In the event that this Memorandum is ratified by the Parties, the representatives will meet to finalize the renewed Collective Agreement, subject to review by the Legal Counsel of both Parties and proper execution of the Collective Agreement.

1. The Parties agree that the terms of this Memorandum of Agreement constitute the full and final settlement of all matters in dispute between them with respect to a renewal collective agreement and that there are no representations (written, oral or otherwise) that either party has relied upon that have not been recorded herein. All proposals, written and/or verbal, not resolved herein are withdrawn on a without prejudice basis.
2. The Parties agree that the renewed Collective Agreement shall include the “Agreed to items” signed and dated prior to October 25, 2021, and the terms and conditions of the Previous Collective Agreement that expired December 31, 2020, except as amended, deleted from or added to by virtue of this Memorandum.

October 25, 2021 at approximately 6:30PM

- Final acceptance of the Memorandum of Agreement is subject to a majority vote in the affirmative by the membership of the Union and the elected Council of The Corporation of the City of London.

Signed this 25 day of, October, 2021

For the Corporation:

[Signature]

[Signature]

Naifa Mause

[Signature]

[Signature]

K. Look

Mise Eddings

[Signature]

[Signature]

For the Union:

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. Article 9 Seniority

**Article 9 – Seniority**

**9.0 Full Time** seniority is defined as length of continuous service since date of hire as a Registered Nurse

**9.01 Part-time employees shall accumulate seniority based on; regular hours worked, paid vacation time, paid statutory holiday time, paid bereavement leave time. Seniority will also accumulate while on an *Employment Standards Act, 2000* leave. A part-time employee's seniority will be expressed in hours.** A part-time employee (who has not served a full-time probationary period) will be on probation and will not have any seniority standing with the Home until after they have completed ~~four hundred (400)~~ **four hundred and eighty (480)** hours worked. An employee's probationary period may be extended for an additional ~~400~~ **100** hours of work upon the agreement of the Employer and the Union.

**Part-time employees hired prior to the date of ratification of this Agreement as of \_\_\_\_\_ shall continue to earn seniority using date of hire.**

~~If more than one employee is hired on the same date a lottery will be done on the date of hire to determine the most senior employee.~~

**9.02 A full time employee (who has not served a part time probationary period) will be on probation and will not have any seniority standing with the Home until after they have completed ~~four hundred (400)~~ four hundred and eighty (480) hours worked.** An employee's probationary period may be extended for an additional ~~400~~ **100** hours of work upon the agreement of the Employer and the Union.

If more than one **full time** employee is hired on the same date a lottery will be done on the date of hire to determine the most senior employee.

**9.03 A full-time seniority list showing the names and seniority dates (based on last hiring date) of nurses will be prepared by the Home. A separate seniority list shall be maintained for part-time employees.** ~~The seniority list for part-time nurses will show starting date. This~~ **These** lists will be revised semi-annually and copies will be provided for the Union Stewards after original preparation and after each revision. A copy of each seniority list will be sent to the Union Office. Upon the posting of the seniority list, nurses will have thirty (30) days in which to file complaints against their seniority standing, and if no complaints are filed it is deemed that the seniority list, as posted, is correct.

- Renumber Article 9 accordingly and amend any other provisions of the collective agreement to give effect to this proposal

October 25, 2021 at approximately 6:30PM

### **9.05 – Retained Seniority**

An employee who accepts a temporary position outside of the bargaining unit **with the Dearness Home** shall retain earned seniority ("retained seniority") subject to the following rules:

- (a) Retained seniority shall be calculated as of the day the employee leaves a union position for a non-union position. **transfers to the non-union position within the Home. Employees who wish to retain their seniority, must continue to pay Union dues in accordance with the Collective Agreement.**
- (b) No additional seniority shall accumulate until the employee ~~returns to a union position.~~ **returns to their previous classification in the bargaining unit.**
- (c) While the employee is in a non-union position, retained seniority shall not be recognized for any purpose and specifically shall not be used for job posting or layoff purposes.
- (d) Notwithstanding any other provisions of this Agreement, no employee in a union position shall be displaced as a result of the return of any employee to the bargaining unit (with retained seniority).
- (e) An employee transferred out of the bargaining unit can be returned to their previous permanent position if the return occurs within six (6) months of transfer or up to eighteen (18) months of transfer. (if the employee is in a temporary position providing coverage for a vacancy caused by a pregnancy and/or parental leave). The parties may mutually agree to extend the time period for return back to the bargaining unit.
- (f) An employee who accepts a permanent position outside the bargaining unit shall forfeit all rights covered under this Agreement.

Add a new provision to Article 10:

**To calculate seniority hours for a Full-time Employee who became a Part-time Employee without interruption of continuous service, two thousand and eighty (2080) hours will be given for each full year of continuous service, plus one hundred and sixty hours (160) for each additional month, to the nearest full month.**

## 2. Article 14 – Leaves of Absence

### 14.03 Union Leave

- (a) Upon written request of at least two (2) weeks' notice or at the discretion of the Home, the Home agrees to grant leaves of absence, to employees selected by the Union to attend Union business, including conferences and conventions.

Such leave shall be given up to a total of ten (10) days during any calendar year provided such leave does not interfere with the continuance of efficient operations of the Home. It is agreed that not more than one (1) nurse shall be absent on such leave at the same time. During such leave of absence the employee's salary and applicable benefits shall be maintained by the

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Home and the Union agrees to reimburse the Home in the amount of the full cost of such salary and applicable benefits.

- (b) Upon application by the Union in writing, the Home will give reasonable consideration to a request for leave of absence, without pay, to an employee elected or appointed to a full-time Union Office or position. It is understood that not more than one (1) employee in the bargaining unit may be on such leave at the same time. Such leave, if granted, shall be for a period of two (2) calendar year from the date of appointment unless extended for a further specific period by agreement of the parties. Seniority and service shall accumulate during such leave to the maximum provided, if any, under the provisions of the Collective Agreement. It will become the responsibility of the employee for full payment, one (1) month in advance, of any applicable benefits in which the employee is participating during such leave of absence. It is agreed that for the purpose of WSIB coverage, such employees are deemed to be employed by the Union.

#### 14.04 Bereavement Leave

- a) In the event of the death of an employee's wife, husband, child, parent, grandchild, sister or brother, the employer, at the request of the employee will arrange leave of absence with pay, such period not to exceed five (5) consecutive days scheduled shifts.
- b) In the event of the death of an employee's mother-in-law, father-in-law, brother-in-law, or sister-in-law, daughter-in-law or son-in-law the Employer at the request of the employee, will arrange leave of absence with pay, such period not to exceed three (3) consecutive days scheduled shifts.
- c) In the event of the death of an employee's grandmother or grandfather, the Employer at the request of the employee will arrange leave of absence with pay for a period not to exceed two (2) consecutive days scheduled shifts.
- d) In the event of the death of an employee's aunt, or uncle, niece, or nephew the employer, at the request of the employee will arrange leave of absence with pay, such period not to exceed one (1) day scheduled shift.
- e) The Part-time employee will be paid at their regular rate of pay for their actual scheduled hours of work during the bereavement period.
- f) Such request will be in writing on forms supplied by the Employer, but because of the nature of the said leave, such forms may be filled in by the employee after returning to work.
- g) All relationships listed in this article will be understood to include "step" relationships and relationships associated with an employee's common law spouse or partner of the same sex.
- h) ~~Effective August 15, 2018,~~ Individuals will be granted flexibility to distribute their bereavement leave entitlement over two (2) occasions, not exceeding their entitlement above, to accommodate religious and cultural diversity.
- i) **Bereavement leave under this article will commence on the day of the death of the individual listed and must be taken within fourteen (14) days of the death or such other time as agreed to by the employee's manager subject to operational needs of the Home.**

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3. Article – Premium Payments

16.05 **Shift and Weekend Premium**

**Shift Premium**

The employee who works a majority of their hours on the afternoon or night shift shall be paid a shift premium of Seventy-five Cents (\$0.75) per hour **(One Dollar (\$1.00) per hour effective January 1, 2022, One Dollar and twenty-five cents (\$1.25) effective January 1, 2023)** for all hours worked ~~between 15:00-14:00 and 07:00-06:00~~ hours.

**Weekend Premium**

Employees who work a majority of their hours on Saturday or Sunday (or such other forty-eight (48) hour period that the Home may establish) shall be paid a weekend premium of fifty cents (\$0.50) per hour, **(Sixty-five Cents (\$0.65) per hour effective January 1, 2021, Seventy-five cents (\$0.75) per hour effective January 1, 2022, and Ninety Cents (\$0.90) per hour effective January 1, 2023)** for each all hours worked on the shift. ~~between 23:00-22:00 hours Friday and 23:00-22:00 hours Sunday or such other forty eight (48) hour period that the Home may establish.~~

4. **Article 17 – Uniform Allowance Effective January 1, 2022**

17.01 The Employer will pay, ~~in January of each year,~~ a uniform allowance of ~~One Hundred & Fifty Dollars (\$150.00)~~ **Two Hundred Dollars (\$200.00) per year** to each full time nurse **actively at work, to be paid in two installments of One Hundred Dollars (\$100.00) in May and November each year** and ~~Seventy-five Dollars (\$75.00)~~ **twelve cents per hour (\$0.12/hour) to each part-time nurse paid biweekly.** The payment of uniform allowance to full time nurses shall be prorated based on completed months of service. For the purposes of this Article, employees who are on leave in accordance with the *Employment Standards Act, 2000* are considered to be actively at work.

5. Article 19 – Paid Holidays

Articles 19.01 to 19.5 apply to full-time nurses only.

19.01 A nurse who otherwise qualifies under Article 19.02 shall receive the following paid holidays:

New Year's Day  
Family Day  
Good Friday  
Easter Monday  
Victoria Day  
Canada Day

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Thanksgiving Day

Christmas Day

Boxing Day

Labour Day

Civic Day

**National Day for Truth and Reconciliation (September 30)**

In the event that the Provincial Government declares an additional holiday during the term of this Agreement, such holiday will be substituted for one of the above-mentioned holidays.

....

19.02

In order to qualify for pay for a holiday a nurse shall complete their scheduled shift on each of the working days immediately preceding and following the holiday concerned unless excused by the Home or the nurse was absent due to:

- (a) legitimate illness or accident which commenced within a month of the date of the holiday (**confirmed by a certificate from the employee's physician**);
- (b) vacation granted by the Home;
- (c) the nurse's regular scheduled day off; or
- (d) a paid leave of absence provided the nurse is not otherwise compensated for the holiday.

19.07 A part-time nurse who works on any of the following holidays shall be paid time and one-half their regular straight-time hourly rate for all hours worked on the holiday:

New Year's Day

Family Day

Good Friday

Easter Monday

Victoria Day

Canada Day

Thanksgiving Day

Christmas Day

Boxing Day

Labour Day

Civic Day

**National Day for Truth and Reconciliation (September 30)**

19.08

Part-time nurses who work their full scheduled shift before and after the holiday shall receive holiday pay for each of the above-listed holidays. The holiday pay received by a part-time nurse shall be in the amount of their regular straight time hourly rate of pay times the number of hours in a normal daily shift as set out in Article 15.01 **provided they has have worked at least 64 hours in the 4 weeks** immediately to the work week in which the holiday occurs; otherwise, their holiday pay shall be equal to the total amount of regular wages earned and vacation pay payable to the nurse in the four weeks immediately prior to the work week in which the holiday occurred divided by twenty.

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**In order to qualify for pay for a holiday a part-time nurse shall complete their scheduled shift on each of the working days immediately preceding and following the holiday concerned unless excused by the Home or the nurse was absent due to:**

- (a) legitimate illness or accident which commenced within a month of the date of the holiday (confirmed by a certificate from the employee's physician);**
- (b) vacation granted by the Home;**
- (c) the nurse's regular scheduled day off; or**
- (d) a paid leave of absence provided the nurse is not otherwise compensated for the holiday.**

**6. Article 20 - Vacations**

**20.01 Full-Time and Part-Time Employees**

**The vacation year shall be January 1 to December 31.**

**Vacations shall be scheduled by the Home after taking into account employee preferences and seniority based on full time and part time status. The employer will endeavour to schedule a minimum of one (1) full time and one (1) part time vacation block throughout the vacation year subject to operational needs.**

**There will be two (2) vacation periods per year.**

**Vacation Period #1 – covering the period January 1 to June 30. The Employer shall distribute and receive from each employee a “request form for vacation entitlement” between September 1- September 30 of each year.**

**The scheduled vacation allotments will be awarded for Vacation Period #1 no later than October 15 of each year.**

**Vacation Period #2 – covering the period July 1 to December 31. The Employer shall distribute and receive from each employee a “request form for vacation entitlement” between March 1 to March 30 of each year.**

**The scheduled vacation allotments will be awarded for Vacation Period #2 no later than April 15 of each year.**

**~~Nurses seeking vacation during June, July, August or September must submit their request by March 15.~~ Requests for vacation submitted outside of the time periods outlined above will be considered in the order received after all timely requests have been dealt with subject to the operational requirements of the Home. To be considered, such requests shall be submitted prior to the applicable posted schedule preparation date.**



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**Vacation must be taken during the current vacation year. A maximum of one week may be carried over into the next vacation year if approved in writing by the Employer prior to September 15. Approval will not be unreasonably denied.**

**The parties agree that an employee may request up to two (2) weeks' vacation as single days. All requests for single vacation days must be submitted in writing to the Employer submitted prior to the applicable posted schedule preparation date. The employer will have three (3) days (excluding Saturday, Sunday and Holidays) to notify the employee if the vacation is granted or denied. Such requests will not be unreasonably denied and will be subject to the Employer's right to maintain adequate service within all sections.**

~~20.01 Articles 20.02 to 20.09 apply only to full-time nurses.~~

~~20.02 The vacation year shall be January 1 to December 31.~~

### **Full-Time Nurses**

- 20.02 Full-time nurses who have completed less than three (3) years of continuous service as of January 1, shall receive three (3) weeks' vacation with pay.
- 20.03 Full-time nurses who have completed three (3) years of continuous service but less than ten (10) years of continuous service as of January 1, shall receive four (4) weeks' vacation with pay.
- 20.04 Full-time nurses who have completed ten (10) years of continuous service but less than twenty (20) years of continuous service as of January 1, shall receive five (5) weeks' vacation with pay.
- 20.05 Full-time nurses who have completed twenty (20) or more years of continuous service as of January 1, shall receive six (6) weeks' vacation with pay.
- 20.06 Full-time nurses whose employment terminates for any reason during the vacation year shall receive pay for any vacation remaining to their credit pro-rated for the percentage of the year worked prior to termination.

### **Part-Time Nurses**

- 20.09 Part-time nurses will receive vacation time and pay in accordance with the following schedule. Part-time nurses will receive vacation time specified below. ~~effective January 1, 2021.~~
- (a) less than three (3) years of continuous service: three (3) weeks and six percent (6%) of the nurse's earnings excluding vacation pay;
  - (b) three years of continuous service but less than ten (10) years of continuous service: four (4) weeks and eight percent (8%) of the nurse's earnings excluding vacation pay;

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- (c) ten (10) years of continuous service but less than twenty (20) years of continuous service: five (5) weeks and ten percent (10%) of the nurse's earnings excluding vacation pay; and
- (d) twenty (20) or more years of continuous service: six (6) weeks and 12 percent (12%) of the nurse's earnings excluding vacation pay.

- Amend any other provisions of the Collective Agreement including updating any references throughout the collective agreement regarding Article 20 to give effect to the above amendments

## 7. Article 21 – Health and Welfare Benefits

21.01 ...

For all new part time employees and those part time employees who have elected to receive pay in lieu of benefits, the payment will be thirteen per cent (13%) of salary (effective January 1, 2023 fourteen per cent (14%))

- Remove from current paramedical bundle – psychological services and add the following: **Psychological Services – up to \$ 500 per benefit year provided by registered Psychologist or other professional as otherwise authorized in discretion of the Corporation.**

An eye exam once every twenty-four (24) consecutive months up to a maximum amount of one hundred dollars (\$100) per exam for employees ~~only~~ and **covered dependents only.**

The drug plan shall provide for **mandatory generic drug substitution** ~~except upon express instruction of physician.~~

- 8. Provide for a term commencing January 1, 2021 and ending December 31, 2023 with the following wage increases:

January 1, 2021      1.65%

January 1, 2022      1.65%

January 1, 2023      1.75%

The Corporation will endeavour to pay any retroactive amounts owing from the above wage proposal within **60 calendar days of Ratification of this Agreement.** Employees who have terminated during the term of this Collective Agreement will be notified by the Employer at their

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**last known address on file within two (2) weeks of Ratification. Former Employees will have thirty (30) days form the date of mailing to make claim of the retroactive payment, after which, the Employer shall no longer be liable.**

#### 9. NEW: LETTER OF COMMITMENT

RE: Schedules

The parties agree to the following as it relates to investigating the possibility of extended shifts.

Within ninety (90) days of ratification of this Agreement the Employer and the Union agree to strike a committee to review scheduling and how these could be implemented at the Dearness Home. This committee will be made of 3 Employer representatives, 3 Union representatives and 3 Registered Nurses comprising of full time and part time.

#### 10. New Article

**The Home and the Union acknowledge that Ontario's *Human Rights Code*, the *Employment Standards Act, 2000*, Ontario's *Labour Relations Act* and the *Occupational Health and Safety Act* shall apply to all employees.**

#### 11. **New Article 24.04**

**Effective upon ratification, the Employer shall reimburse employees who are required to provide doctor's notes in accordance with the Collective Agreement or at the Employer's request, up to twenty-five dollars (\$25.00) per note and upon employees submitting a receipt of such expense.**

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**Notice: Not to form part of the Collective Agreement**

**15.05 A nurse shall receive at least two weekends off in four except where:**

- (a) *the weekend has been worked by the nurse to satisfy specific days off requested by the nurse;*
- (b) *the nurse has requested weekend work; or*
- (c) *the weekend is worked as a result of an exchange of shift with another nurse.*

*Where a nurse works three consecutive weekends in circumstances not covered by (a) (b) or (c) they shall receive a premium of one and a half times their regular straight time hourly rate for all hours worked on the third consecutive weekend.*

The Employer intends to comply with the strict wording of Article 15.05 including but not limited to the following:

- in circumstances where the premium of one and a half times regular straight time hourly rate applies – this will only be paid on the “third consecutive weekend”
- a nurse must work all three consecutive weekends – if the nurse is absent from work for any reason including sick, they will not be considered to have “worked”
- the premium only applies on the third consecutive weekend

**AGREED TO ITEMS – September 21, 2021**

1. Article 8.12 amend as follows:
  - (c) No person may be appointed as an Arbitrator who has been involved in an attempt to negotiate or settle the particular grievance concerned **unless both parties agree.**
2. Article 9 – Seniority amend as follows:
  - 9.02 A seniority list showing the names and seniority dates (based on last hiring date) of nurses will be prepared by the Home. The seniority list for part-time nurses will show starting date. This list will be revised **semi-annually February 1 and July 1 of each year** and copies will be provided for the Union Stewards after original preparation and after each revision. A copy of each seniority list will be sent to the Union Office. Upon the posting of the seniority list, nurses will have thirty (30) days in which to file complaints against their seniority standing, and if no complaints are filed it is deemed that the seniority list, as posted, is correct.
3. Amend Article 15 as follows:
  - 15.04 If a nurse is authorized to work in excess of the hours referred to in 15.01(a) or (b) above, **they** will receive overtime premium of one and a half times their regular straight time hourly rate. **Employees who make a written request on an annual basis (the date as determined the Home) ~~or~~, shall be able to bank the equivalent overtime hours, to be taken at a later date in accordance with the following:**
    - i. **employee accessing their banked overtime hours, shall submit their request by the applicable posted schedule preparation date;**
    - ii. **the Employer will grant such request subject to staffing availability and the proper operation of the Home; and**
    - iii. **employees may request to have their overtime balances paid out any time prior to the end of the calendar year in which it is earned. Any overtime banks with a balance at the end of the calendar year will be paid out on the last pay period of the year.**
  - 15.05 ...
 

Where a nurse works three (3) consecutive weekends in circumstances not covered by (a) (b) or (c) they shall receive a premium of one and a half times (1 ½) their regular straight time hourly rate for all hours worked on the third (3<sup>rd</sup>) consecutive weekend **or at the Employee's request, bank the equivalent overtime in accordance with Article 15.04.**
4. Add new Article 20.11 (or such number as appropriate under Article 20)
  - a) **Where an employee's scheduled vacation is interrupted due to a serious illness requiring the employee to be an in-patient in a hospital, the period of such hospitalization shall be considered sick leave provided the employee provides a satisfactory documentation of the illness and the hospitalization. The portion of the employee's vacation which is deemed to be sick leave under the above provision will not be counted against the employee's vacation credits.**

b) Where an employee's scheduled vacation is prevented due to serious illness requiring the employee to be an in-patient in a hospital which commenced before the vacation started, the period of such hospitalization shall be considered sick leave provided the employee provides satisfactory documentation of the illness and the hospitalization. The portion of the employee's vacations which is deemed to be sick leave under the above provisions will not be counted against the employee's vacation credits.

It is understood that the Employer may, at its discretion, reschedule vacation for an employee whose vacation would be interrupted by a serious illness, occurring immediately prior to the scheduled vacation.

5. Amend Article 23 as follows:

23.01 Prior to any Employee returning to work who has been absent from the workplace due to a medical absence, the Employer **will may** notify and meet with the Employee and the Union Steward to consult on return to work.

Dated in London, this 21<sup>th</sup> day of September, 2021

FOR THE UNION

*J. Zonic*  
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*Mona Lindsay*  
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FOR THE EMPLOYER

*LOAN*  
\_\_\_\_\_  
*Mike Soldusz*  
\_\_\_\_\_  
*Naifa Mansour*  
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*K. Lock*  
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**AGREED TO ITEMS – September 21, 2021**

1. Article 8.12 amend as follows:

(c) No person may be appointed as an Arbitrator who has been involved in an attempt to negotiate or settle the particular grievance concerned **unless both parties agree.**

2. Article 9 – Seniority amend as follows:

9.02 A seniority list showing the names and seniority dates (based on last hiring date) of nurses will be prepared by the Home. The seniority list for part-time nurses will show starting date. This list will be revised **semi-annually February 1 and July 1 of each year** and copies will be provided for the Union Stewards after original preparation and after each revision. A copy of each seniority list will be sent to the Union Office. Upon the posting of the seniority list, nurses will have thirty (30) days in which to file complaints against their seniority standing, and if no complaints are filed it is deemed that the seniority list, as posted, is correct.

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- i. employee accessing their banked overtime hours, shall submit their request by the applicable posted schedule preparation date;**
- ii. the Employer will grant such request subject to staffing availability and the proper operation of the Home; and**
- iii. employees may request to have their overtime balances paid out any time prior to the end of the calendar year in which it is earned. Any overtime banks with a balance at the end of the calendar year will be paid out on the last pay period of the year.**

15.05 ...

Where a nurse works three **(3)** consecutive weekends in circumstances not covered by (a) (b) or (c) they shall receive a premium of one and a half times **(1 ½)** their regular straight time hourly rate for all hours worked on the third **(3<sup>rd</sup>)** consecutive weekend **or at the Employee's request, bank the equivalent overtime in accordance with Article 15.04.**

4. Add new Article 20.11 (or such number as appropriate under Article 20)

**a) Where an employee's scheduled vacation is interrupted due to a serious illness requiring the employee to be an in-patient in a hospital, the period of such hospitalization shall be considered sick leave provided the employee provides a satisfactory documentation of the illness and the hospitalization. The portion of the employee's vacation which is deemed to be sick leave under the above provision will not be counted against the employee's vacation credits.**

b) Where an employee's scheduled vacation is prevented due to serious illness requiring the employee to be an in-patient in a hospital which commenced before the vacation started, the period of such hospitalization shall be considered sick leave provided the employee provides satisfactory documentation of the illness and the hospitalization. The portion of the employee's vacations which is deemed to be sick leave under the above provisions will not be counted against the employee's vacation credits.

It is understood that the Employer may, at its discretion, reschedule vacation for an employee whose vacation would be interrupted by a serious illness, occurring immediately prior to the scheduled vacation.

5. Amend Article 23 as follows:

23.01 Prior to any Employee returning to work who has been absent from the workplace due to a medical absence, the Employer **will may** notify and meet with the Employee and the Union Steward to consult on return to work.

Dated in London, this 21<sup>th</sup> day of September, 2021

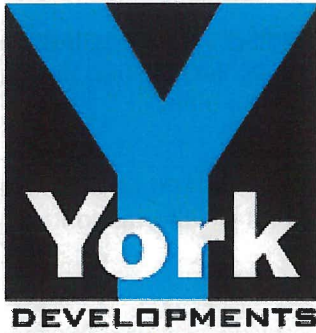
FOR THE UNION

*J. Zonic*  
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*Mona Lindsay*  
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FOR THE EMPLOYER

*LOAN*  
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*Mike Soldusz*  
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*Naifa Maswa*  
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*K. Lock*  
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303 Richmond St Ste 201  
London ON N6B 2H8

December 13, 2021

The Corporation of the City of London  
P.O. Box 5035  
300 Dufferin Avenue  
London, Ontario N6A 4L9

Dear Chair and Members, Planning and Environment Committee:

**Re: Draft Environmental Management Guidelines at PEC, Dec 13, 2021**

Please accept this letter in regard to the City's Proposed Update to the Environmental Management Guidelines. This letter is in response to the request for input tabled in October at the Planning and Environment Committee.

We believe our company is a credible participant in bringing a significant amount of new housing to the London market. Working with the City with expert resources, we have considerable experience bringing projects to bear that reach above and beyond current guidelines. We have achieved that by providing feature naturalization and restoration, and aligning greenspace to provide a softer interface between new development areas and significant natural heritage features.

The proposed guidelines have significant changes that set the stage for a very conservative approach to the environmental features. Providing buffers is a primary tool to protect existing features. Consulting with an expert firm practising ecology across southern Ontario, Natural Resource Solutions Inc. (NRSI), one of the main concerns with the Draft Guidelines being recommended for adoption is the continued use of very, very low criteria to identify Significant Woodlands (i.e. 10% tree cover), combined with an increase to 30m minimum buffers for such woodlands, as well as to very large buffer recommendations in relation to slopes. Please see the attached correspondence from our consultant for a better explanation.

When additional land is provided for buffers, it reduces the lands available for housing. This leads to increased costs per housing unit, which are passed on to consumers. In addition, evidence of subdivisions over the last decade is that woodlands function well with a 10m buffer. In our recent experience, all woodlands meet significance by City criteria. In our experience, in consultation with NRSI, even a field with very little tree cover becomes a significant woodland.



December 10, 2021

2757

Ali Soufan  
York Development  
303 Richmond Street, Unit 201  
London, ON N6B 2H8

Dear Mr. Soufan,

**RE: City of London Environmental Management Guidelines  
Review**

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Natural Resource Solutions Inc. (NRSI) has reviewed the City of London's revised Environmental Management Guidelines (EMG) on behalf of York Development. The EMG have been prepared by AECOM for the City of London. NRSI reviewed the June 2021 version of the EMG, even though a more recent December 2021 was just released. Our review was undertaken prior to the December 2021 EMG being available.

NRSI staff have numerous concerns with the revised EMG document. We are very familiar with the 2007 EMG that is currently in practice. NRSI staff use the 2007 EMG frequently on projects in London, both on behalf of developer clients, as well as on projects led by the City itself. We urge AECOM and the City to review the 2021 EMG to bring clarity to the various sections which will aid in the interpretation and implementation of the guidelines and minimize unnecessary consultation with City staff. Given the City's experience with the 2007 EMG, as well as the experience of environmental consultants that review and implement the EMG, this is the chance to get the document right, especially if it can be assumed the revised EMG will guide development in the City of London for 10 or more years.

Comments on the 2021 EMG are provided by section. More detailed comments are appended.

## **2. Preparation of Environmental Studies**

This section should clearly outline the protocol for setting up a Scoping Meeting with the City and the Technical Review Team (TRT). Since the City's process involves an Environmental Study Scoping Checklist (ESSC), this term should be used, rather than Terms of Reference. Please clarify the difference/intent behind pre-consultation meetings for Environmental Studies and pre-consultation for Proposal Review Meetings (including Initial Proposal Report, IPR).

"Net negative impacts" is used throughout the EMG, but is not a term that is typically used, and it is not used in The London Plan. "Net" is usually used in regard to "net benefits" or "no net loss". Consider using established terms such as "no negative impacts" or "no residual impacts". Refer to the Natural Heritage Reference Manual (OMNR 2010, Sections 13.5.2.8 and 13.5.2.9).

The 2021 EMG speak to avoiding impacts and mitigating impacts that cannot be avoided, as well as compensating for unavoidable impacts. This is generally known as the "mitigation

hierarchy”, but it should include minimization of impacts as well. Minimization of impacts is referred to a few times in the 2021 EMG, but generally left out.

Please clarify whether or not unevaluated wetlands need to undergo a full evaluation for each and every development application, even when the wetland will be retained with a full 30m buffer. Wetland evaluations according to the Ontario Wetland Evaluation System are lengthy and onerous, and require the evaluation of all wetland units within a catchment area, often far outside of a development application limit, which will have implications to other properties. As well, field work is usually recommended within all wetland units, but likely not possible for wetland units outside of the subject property.

### **3. Evaluation of Significance and Ecological Function**

The Woodlands evaluation section is an improvement over the 2007 EMG as it provides beneficial clarity, however a major concern with the premise still exists. The EMG states that “all Unevaluated Vegetation Patches, woodlands and vegetation patches greater than 0.5 ha” are to go through the evaluation process for Woodland significance, as “the Ecological Land Classification (ELC) System for southern Ontario (Lee et al., 1998), [identifies] a treed area is any community with tree cover >10%.” The ELC book defines “treed” as “a community with a tree cover of >10%”, however, in practice “woodlands” are defined as having tree cover between 35 and <60% and “forests” are areas with a tree cover of at least 60%. Provincial guidance uses the Forestry Act definition for “woodland”, or defines woodlands as “a tree crown cover of over 60% of the ground, determinable from aerial photography” (OMNRF 2012). As such, it is the opinion of NRSI that only such areas (i.e., vegetation communities with at least 60% tree cover) should be evaluated for woodland significance, which conforms with all other municipalities that NRSI is aware of. The City of London is the only municipality with such a low threshold for “woodland” (i.e. tree cover of 10%). Thickets, savannahs, cultural woodlands, and “unevaluated vegetation patches” (that are not comprised of a forest), should not be evaluated for woodland significance (they may be significant for other reasons, but are not “woodland”).

With regard to Environmental Significant Areas (ESAs), the EMG should provide guidance on how to deal with Potential ESAs that occur along the periphery of, or adjacent to, an existing ESA. In the experience of NRSI, City staff have directed consultants to treat Potential ESAs as confirmed ESAs and not evaluate the Potential ESA in isolation according to the criteria, since evaluation in isolation would not evaluate the features/functions of the greater ESA as a whole.

Numerous documents are referred to that are not easily accessible online. Our request is that these be made available through the City’s website.

### **4. Boundary Delineation of Natural Heritage Features and Areas**

Critical Function Zones (CFZs) are introduced as important habitat areas beyond the wetland boundaries, and the EMG state that these non-wetland areas must be included as development constraints. However, it should be made clear that the CFZ is not part of the wetland (see EMG Section 5.1 as well). Biophysical functions or attributes that are directly related to the wetland should be evaluated as Significant Wildlife Habitat.

Related to ESAs, and as mentioned above, the EMG should provide guidance on how to deal with Potential ESAs that occur along the periphery of, or adjacent to, an existing ESA.

Section 4.7, Boundary Delineation Guidelines, should clarify what boundaries this pertains to, i.e., ESAs. The boundary delineation guidelines provide some clarity over the existing EMG,

however some further clarification would be appreciated, in accordance with the attached comments.

#### **5. Determining Ecological Buffers**

Table 5-2 identifies a 5m buffer for Upland Corridors and Meadows. The requirement of this is questioned, given that an Upland Corridor would be identified at an appropriate width and may not be comprised of any natural heritage features at the time of establishment. Meadows also generally do not require a buffer, unless they provide SWH or another important function (which is evaluated separately and would require its own buffer).

Table 5-3 recommends very large buffers where the buffer is comprised of a slope down to a natural heritage feature. Please provide supporting documentation for the very wide buffers proposed, as they appear excessive.

Table 5-4 lists invasive species management for the outer 10m of a natural heritage feature only. Greater flexibility should be provided, as it may provide an overall ecological benefit to provide more fulsome invasive species management within an entire natural heritage feature, as opposed to a larger buffer.

#### **7. Environmental Monitoring**

Please clarify the differences between pre-construction monitoring and baseline monitoring, long term monitoring and post-construction monitoring, as well as post-construction and post-development monitoring. The section seems to use terms interchangeably, and in part also imply differences between them.

#### **Appendix C: Data Collection Standards**

The Data Collection Standards are poorly written. The triggers for survey requirements, protocols, and considerations are unclear and confusing. Many references cited are out of date and the appendix in general does not represent industry standards. This section requires an overhaul. Please see the attached detailed comments.

Should you have any questions or comments regarding this letter, please do not hesitate to contact the undersigned.

Sincerely,  
Natural Resource Solutions Inc.



Katharina Richter  
Senior Biologist

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## References

- Ontario Ministry of Natural Resources (OMNR). 2010. Natural Heritage Reference Manual for Policies of the Provincial Policy Statement, Second Edition. March 18, 2010.
- Ontario Ministry of Natural Resources (OMNR). 2012. Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside Area. Technical Paper 1.

**Appendix I**  
**Detailed Comments**

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**NRSI's review of London's revised EMG – June 2021 version (Report to Planning and Environment Committee, PEC, October 18, 2021)**

- Check entire document for consistency in the use of acronyms; spelling; spacing; capitalization; etc. Some editorial edits have been mentioned in the table, but not all.

Section	Comments
<b>2.</b>	<b>Preparation of Environmental Studies</b>
2.1	- 2 <sup>nd</sup> sentence requires a comma to clarify text - The reference to a TOR is misleading, as the intent is an ESSC. The term ESSC should be used throughout. - Clarify the difference/intent behind the pre-consultation meeting for Environmental Studies and the pre-consultation for the Proposal Review Meeting (including IPR). - This section should include a definition of SLSR
2.2.1	- Correct acronym in sub title (EESC to ESSC)
2.2.2	- Is an email sufficient for an environmental study scoping letter? If so, please state this. - Correct a few grammatical errors (2 <sup>nd</sup> line: that that); space after period at end of 3 <sup>rd</sup> line; provide new name for the MNRF; spacing for "studies/disciplines" in 3 <sup>rd</sup> paragraph.
2.3	- note a few grammatical errors in first sentence: delete the 2 <sup>nd</sup> "level of" in mid-sentence; change "required" to "require"
2.4	- May add "(i.e. impact assessment)" to final sentence to clarify.
2.5	- Correct a few grammatical errors: first paragraph: add space between "but" and "new"; 3 <sup>rd</sup> line: delete the 2 <sup>nd</sup> "under the"; 2 <sup>nd</sup> paragraph: infrastructure <u>are</u> proposed; 3 <sup>rd</sup> line: delete the 2 <sup>nd</sup> "they" - Last sentence in 2 <sup>nd</sup> paragraph is important but awkwardly worded. - Figure 2.1 is not referenced in text and provides little/no value.
2.6.1	- "Net negative impacts" is mentioned for the first time. Negative impacts are generally not referred to in this way. Consider using established terms such as "no negative impacts" or "no residual impacts". Refer to the Natural Heritage Reference Manual (OMNR 2010, Sections 13.5.2.8 and .9). "Net" is usually used in regard to "net benefits" or "no net loss". - Delete the comma prior to the first bracket in the first paragraph.
2.6.2	- Generally reference to maps should be in chronological order; 2 <sup>nd</sup> sentence in 2 <sup>nd</sup> paragraph is awkwardly worded
2.6.3	- Correct spelling of "federal" in last sentence
2.6.4	- #4, mid paragraph: add a comma before "as appropriate" - #5 should include "minimization" as well (i.e. avoid, minimize, mitigate, compensate); some wording and spacing corrections in this paragraph would be helpful, including and especially in 2 <sup>nd</sup> paragraph - Figure 2.2: Figure should refer to SLSR throughout, as an EIS may not be required; EMP is listed in final icon but is not discussed in text. Need to define EMP and provide explanatory text.
2.6.6.4	- "(4) animal movement corridors and ecological linkages" are listed and it states that these are noted above, but this one has been missed. Include in the EIS components Section 2.6.5.
2.6.6.5	- OP Policy 1333 states that unevaluated wetlands must be evaluated. This section also states that wetlands must be evaluated under the OWES. This is a very lengthy and tedious process in most cases. Please confirm whether a full OWES evaluation is

	necessary wherever an unevaluated wetland unit cannot be completed within an evaluated wetland complex. Where that is the case, does the wetland evaluation need to be updated with the additional wetland polygon(s)?
2.6.6.8	<ul style="list-style-type: none"> <li>- Was "minimization" omitted on purpose? Minimizing impacts is generally part of the mitigation hierarchy. Minimization of impacts is mentioned in Section 6 (3<sup>rd</sup> paragraph).</li> <li>- Mitigation: spelling error: "director" should be "direct"; add 's' to "measures" (2x); NHF acronym was not used before, should be explained and used throughout report if it is used; sometimes Environmental Management Guidelines is spelled out, other times EMGs is used</li> </ul>
2.6.6.10	- Conclusion Statement: first sentence needs some cleaning up.
2.6.6.11	- Appendices: resumes of field staff are listed as required. Is this required for all field staff, or only those leading the studies? On some large projects, consultants may have very many staff in the field.
<b>3.</b>	<b>Evaluation of Significance and Ecological Function</b>
3.1.2.	<ul style="list-style-type: none"> <li>- Consistent with provincial guidance, only woodlands with a tree canopy cover of at least 60% should be evaluated for woodland significance. Thickets, savannahs, and cultural woodlands are not "woodlands" according to the provincial definition or the Forestry Act definition.</li> <li>- Some minor comments: <ul style="list-style-type: none"> <li>Criterion 1.2 A) – it may be beneficial to provide more clarity on what local vegetation cover constitutes; it currently says all habitat types. Would this include residential yards with vegetation cover, as well as meadows, etc?</li> <li>Criterion 2.2 A) Second paragraph, second sentence – note extra space and comma in sentence.</li> <li>Criterion 2.2 C) – It may be helpful to specify that "Regional Concern" species in the Avian Conservation Assessment Database are those species with a value of 1 in the RC column.</li> <li>Criterion 2.3 C) – The paragraph above the Criterion Rankings refers to "important habitat components" while these are called "critical habitat components" in the Criterion Ranking explanations; terminology should be consistent.</li> <li>Criterion 5.1 A) – it may be helpful to clarify that communities with SRANKs that are between two values (e.g. S4S5) would be considered the lower of the two SRANKs (i.e. the more conservative approach)</li> </ul> </li> </ul>
3.2	<ul style="list-style-type: none"> <li>- Correct the reference to the report section.</li> <li>- Second paragraph requires more context to improve readability. The reference to Section 3.1.2.2 does not exist as a section in the document. Note the two "to" in the last sentence.</li> </ul>
3.2.1	- More context is needed to explain what Potential ESAs are and how to evaluate them. For instance, what is the process to evaluate a Potential ESA that occurs along the periphery of or adjacent to an existing ESA? In our experience, City staff have directed consultants to treat Potential ESA as confirmed ESA and not evaluate the Potential ESA in isolation according to the criteria, since evaluation in isolation would not evaluate the features/functions of the greater ESA as a whole.
3.2.3	- Some of the reference documents are quite old and not available online; can these documents be available centrally and electronically for consultants' use?
3.3	- More guidance is required for when an OWES wetland evaluation is required. The current text reads as if wetland evaluations are obligate through a site characterization study, to be completed by the proponent. Leaving the wetland as an Unevaluated unit should be permitted if no direct impacts are proposed and sufficient buffers are provided.



<b>4.</b>	<b>Boundary Delineation of Natural Heritage Features and Areas</b>
4.0	- The first sentence of the second paragraph states that "Ecological boundary delineation is required before natural features and areas can be evaluated for significance". As such, it would make sense to change the order of the sections in the EMG, to have the Boundary Delineation section precede the Evaluation of Significant and Ecological Function section.
4.1	- The reference to Table 2.1 is not appropriate for the context. Table 2.1 of the EMGs relates to what triggers an EIS.
4.1	- Point 5 – it appears the sentence has been cut off.
4.2	- In the 5 <sup>th</sup> paragraph where Critical Function Zones (CFZs) are introduced as important habitat areas beyond the wetland boundaries, the guidelines state that these non-wetland areas must be included as development constraints. Through what criteria is this type of constraint to be evaluated? It would not be reasonable to extend the boundary of a wetland beyond its limit, defined according to the 50/50 upland/wetland vegetation rule in OWES. Biophysical functions or attributes that are directly related to the wetland should be represented as SWH, and not by extending the wetland boundary as a CFZ.
4.6	- Same comment as made to Section 3.2.1: More context is needed to explain what Potential ESAs are and how to evaluate them. For instance, what is the process to evaluate a Potential ESA that occurs along the periphery of, or adjacent to, an existing ESA? In our experience, City staff have directed consultants to treat Potential ESA as confirmed ESA and not evaluate the Potential ESA in isolation according to the criterion, since evaluation in isolation would not evaluate the features/functions of the greater ESA as a whole.
4.7 Guideline 1	- Please clarify the first sentence under Conditions. - In the second paragraph under Conditions there appears to be an extra "and" following (MNR, 2000b) - Can any guidance for species that use anthropogenic habitats such as Chimney Swift or Barn Swallow be included in this guideline?
4.7 Guideline 2	- Criteria d) is confusing, is there a better way to illustrate the figure? Is this simply identifying that a wetland CFZ independent of a vegetation patch would be considered its own feature? (See related comment to Section 4.2).
4.7 Guideline 3	- What does the red line denote in illustration (a)? - Illustration (b) can be clarified if the 30m width is added. Can the linkage be comprised of open habitats such as meadow, or even lands that are currently unvegetated?
4.7 Guideline 4	- Is there limit to the distance between vegetation patches that would be considered a single feature if they are connected by a watercourse? Would only natural, naturalized, or cultural vegetation communities adjacent to the watercourse be considered part of the feature, or would this not in essence be a watercourse buffer or would a feature be further buffered beyond the area included in the watercourse corridor? This guideline seems much too broad when compared to the identified 85m distance between vegetation patches connected by a watercourse in the 2007 EMG.
4.7 Guideline 5	- The sixth bullet under Conditions should have an 'and/or' following the semi-colon for clarity. - The seventh bullet seems like a very broad catch-all, would not all woodlands under 2ha in size provide a temporary refuge for wildlife. Are there any situations where a satellite woodland within 100m of a patch would not be included in the feature boundary? - Would another satellite woodland, within 100m of a satellite woodland already included in the patch (that meets one of the conditions), but not within 100m of the main patch also be included in the patch? How far could this potentially extend for, would it be possible to have a satellite woodland 500m from the main vegetation patch included in the feature boundary if it were linked by a series of other satellite woodlands within 100m of one another?
4.7 Guideline 6	- Criterion a) - Is there a recommended width of cultural meadow that should be included in the feature? Would this be evaluated on a case-by-case basis by a qualified professional or can further guidance be provided to identify how wide this area should be? This

	could potentially cause confusion since cultural meadow is often considered part of a buffer area from woodlands, wetlands, etc. Would the area of meadow within the patch also require a buffer?
4.7 Guideline 7	- There is a typo at the end of the first sentence after GUIDELINE 7, criteria should be the end of the sentence.
4.7 Guideline 8	- Some clarification for criteria a) would be helpful since a few of the examples are confusing. In what case would a golf course be under 1 hectare? Is this referring to a portion of a golf course? In the illustration example, would the a portion (i.e. 1ha) of the southern managed feature be included in the patch boundary?
<b>5.</b>	<b>Determining Ecological Buffers (Reviewed from December 2021 version)</b>
5.1	- Related to comments made above, it is not appropriate to include the CFZ within the wetland boundary, as this is contrary to the OWES. Where identified, CFZs may be protected as part of the feature with an additional buffer.
5.2	- Note spelling of "proposed" in first paragraph; "recommendations" in 4 <sup>th</sup> pgh.
5.3	- Note error at end of 2 <sup>nd</sup> paragraph ('once' is written twice)
5.3.2	- Table 5-2: What is the value in providing buffers to Upland Corridors and Meadows where these do not provide SWH or habitat for SAR? When these are identified for protection, they will be identified to the required width. - Table 5-2: For footnote #4, add a comma after Woodlands: ...less than 2 ha, and Woodlands, where....
5.3.2/5.3.3	- These sections do not address headwater drainage features. Does the City want to provide some guidance with regards to buffers from these features where they have a management recommendation of Conservation or Protection? - These sections do not address buffer "rounding". For instance, if it is fairly acceptable practice to allow some areas of narrower buffers, if areas of larger buffers are provided, for an overall larger buffer area. Is such an approach acceptable? If so, it should be addressed in the guidelines. - The EMG should provide guidance on buffer areas in situations where the typical buffer area is already developed, for example a parking lot or building. Are narrower buffers acceptable in such situations, where existing development will, at least in part, be removed to provide the NHF a functioning buffer, where previously there was none?
5.3.3	- Table 5.3: The buffers required for slopes seem excessive. Please provide supporting documentation for the recommended buffer widths or change the widths in accordance to what is recommended through a literature review.
5.3.4.1	- Table 5-4: This table lists invasive species management within 10m of the NHF. Sometimes significant invasive species removal within a NHF may be recommended and may provide greater ecological value than a larger buffer. Is such an approach acceptable in the City of London?
5.4	- In sentence preceding the bullets: "in" is to be replaced with "is"
<b>6.</b>	<b>Ecological Replacement and Compensation</b>
6.	-Figure 6.1 – title: correct spelling of "the"; minimization is missing from figure. The figure states the goal is "no net impacts", yet the text (Section 6.1.2) states the goal is "net environmental benefit". What is the difference between "replacement" and "compensation"?
6.1.1	- Spelling: first paragraph: "ther" should be "the";
6.1.2	- Spelling of "although" in 2 <sup>nd</sup> paragraph
6.2	- Note missing bracket in last sentence in paragraph starting with "Notably". Please review the entire sentence for clarity; in paragraph starting with "In instances", correct spelling of "falls" (not "calls")

	- Text refers to the "applicable conservation authority", but all of London is within the jurisdiction of the UTRCA (here and elsewhere).
6.3	- Correct spelling: end of 2 <sup>nd</sup> bullet; end of 6 <sup>th</sup> bullet;
6.5	- correct spelling: 2 <sup>nd</sup> paragraph should be "communities";
6.6.1	- Under 'Ecological Considerations' – midway through paragraph, check word spacing;
<b>7.</b>	<b>Environmental Monitoring</b>
7.1	- add required space between words at end of 2 <sup>nd</sup> last bullet
7.2.2	- If land is to be transferred to City, long term monitoring will be undertaken by City (post assumption). If land is to remain private, long term monitoring is to be undertaken by developer. What is defined as long term monitoring? Is this dependent on EIS?
7.2.3	- Pre-construction monitoring examples includes surface and groundwater monitoring, as well as encroachment into the NHS and buffers. The 2 <sup>nd</sup> bullet (monitoring of NHS and encroachment) is better suited for construction and post-construction monitoring. Is wildlife monitoring to be considered here, within the requirements for pre-construction monitoring? Section 7.2.5 states that baseline data should be collected 1-2 years prior to construction. Is this not pre-construction monitoring? Please clarify the difference between baseline monitoring and pre-construction monitoring. (See also Appendix A)
7.2.5	- Please clarify the relationship between post-construction monitoring and post-development monitoring. (See also Appendix A)
7.2.5.2	- reference to NVCA 2019 can now be updated to their final document (2021)
	<b>Appendices</b>
Appendix A	Under Monitoring, "pre-construction works" should likely be changed to "pre-construction"
Appendix C	Data Collection Standards – See separate Table of comments, below.
Appendix D	No discrepancies between Appendix D and the evaluation Criteria detailed in Section 3.1.2 noted. Overall this table is a good improvement from the 2007 EMG.

### Comments on Appendix C: Data Collection Standards

The Data Collection Standards are poorly written. The triggers for survey requirements, protocols, and considerations are unclear, confusing, and not clearly presented. Many references cited are out of date and the appendix in general does not represent industry standards.

Section	Comments
Background, Guidelines for Data Collection, and Inventory Protocols paragraphs	<ul style="list-style-type: none"> <li>- 'MNRF, 2010a' refers to the <i>Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales</i> document. This should be corrected to the <i>Natural Heritage Reference Manual</i>, 'MNRF, 2010b' (as per the reference list order on Page 134).</li> <li>- Correct a few grammatical errors (see bold text below):</li> <li>a) '...provide strong field data to inform impact assessments, mitigation <b>measures</b>, and monitoring...'</li> <li>b) '...the intention of <b>the</b> Data Collection Standards is to ensure that all new information collected for various studies, including EISs, uses...'</li> <li>c) '...in accordance with seasonal timing windows, for various, inventory types include, but are not limited...' (remove comma between 'various' and 'inventory')</li> <li>- The terms 'Environmental Study' and 'EIS' (no initial definition of the acronym for EIS is provided within the appendix) are used interchangeably, but presumably 'Environmental Study' intends to capture all types of studies (for Environmental Assessments, Subwatershed Studies, SLSR, etc.) while 'EIS' refers specifically to Environmental Impact Studies that are required as part of development applications. Consider defining all terms in the appendix preamble and ensuring terminology consistency throughout.</li> <li>- Clarification on what is meant by 'three- or five-season inventory' is requested. The subsequent list of typical survey timeframes references 6 different timeframes. It would be more standard to refer to three- (spring, summer, fall) or four- (spring, summer, fall, winter) season inventory.</li> <li>- Re: 'An outline of the comprehensive inventory protocols for species occurring in the study area and adjacent lands must be conducted by qualified professionals in the appropriate seasons as described below.', this sentence implies that only an 'outline' of the inventory protocols should be conducted by qualified professionals, but it is the surveys themselves that should be done by a qualified professional. Sentence revisions recommended.</li> </ul>
Inventory Protocols- List of Survey Timeframes	<ol style="list-style-type: none"> <li>1. Early Spring (late March / early April): -Should also include reference to Headwater Drainage Feature (HDF) Assessments (if including, as per the recommendation below, 1<sup>st</sup> survey takes place in March/early April), as well as Reptiles (depending on the year, reptile emergence, particularly snake emergence, can and does occur in late March/early April)</li> <li>2. Spring (late April – May) - If including HDF Assessments, include here as well (2<sup>nd</sup> survey takes place in May)</li> <li>3. Early Summer (June): -Aquatic habitat assessments are recommended to occur during baseflow conditions generally anytime between late June and late September. Depending on the type of watercourse, fish community assessments may need</li> </ol>

	<p>to occur earlier in the year (e.g., for intermittent features, May-early June fish community sampling when water levels are seasonally elevated).</p> <ul style="list-style-type: none"> <li>-Reptiles should be included here as well</li> <li>- 'Butterflies and Insect Monitoring' is recommended to be revised to simply 'insect surveys' or 'insect monitoring' since butterflies are insects</li> </ul> <p>4. Summer (early July/early August)</p> <ul style="list-style-type: none"> <li>-Recommended that this timeframe be adjusted to 'July/August', as the current wording excludes most of the month of August when it is still appropriate to do summer surveys</li> <li>- If including HDF Assessments, include here as well (3<sup>rd</sup> survey takes place in July/August)</li> <li>-Again, recommend that 'Butterflies and Insects' be revised to 'insect surveys/monitoring'</li> </ul> <p>5. Fall (September-October)</p> <ul style="list-style-type: none"> <li>-A comma is required between 'Migratory birds' and 'Vascular Plants' as well as between 'Vegetation Communities' and 'Reptiles'</li> <li>-Unclear why 'Mammals' are included here (which sampling protocol is this is reference to?) but not in the 4. Summer category.</li> </ul> <p>6. Winter (November-February)</p> <ul style="list-style-type: none"> <li>-The term "Bat leaf off surveys" is recommended to be modified to 'Bat habitat assessments (leaf-off)', and added to the Early Spring category as well (leaf-off runs from November to April)</li> <li>-Winter wildlife surveys should occur between January and early March; consider revising the 'Winter' timeframe accordingly</li> </ul>
Inventory Protocols- Headwaters	<ul style="list-style-type: none"> <li>- Headwater Drainage Feature (HDF) assessments are not included in the list of surveys. More and more, conservation authorities request that HDF assessments be completed as part of environmental studies, and the inclusion of this survey type is recommended due to the importance of appropriately managing HDFs from both a hydrological and ecological perspective. HDF assessments should be completed according to Ontario Stream Assessment Protocol (OSAP) V.10 Modules 10 or 11 (Gorenc and Stanfield 2017), and management recommendations determined in reference to the 2014 <i>Evaluation, Classification and Management of Headwater Drainage Features Guidelines</i> prepared by the Toronto and Region Conservation Authority (TRCA) and Credit Valley Conservation (CVC). These guidelines are appropriate for areas outside of the TRCA/CVC jurisdictions, and are the best available guidelines for evaluating and managing HDFs.</li> </ul> <p>*Gorenc, S. and L. Stanfield. 2017. Ontario Stream Assessment Protocol (OSAP). Version 10. Section 4. Modules 10 and 11. Constrained and Unconstrained Headwater Sampling.</p> <p>*Toronto and Region Conservation Authority (TRCA) and Credit Valley Conservation (CVC). 2014. Evaluation, Classification and Management of Headwater Drainage Features Guidelines. January 2014. <a href="https://cvc.ca/wp-content/uploads/2014/02/HDFA-final.pdf">https://cvc.ca/wp-content/uploads/2014/02/HDFA-final.pdf</a></p>
1. Vegetation Communities	<ul style="list-style-type: none"> <li>- A summary of tree species with age/size class distribution, and basal area by size class is not a level of detail that is normally captured during ELC surveys and provides minimal (if any) value to the characterization of</li> </ul>

	<p>natural features. It should not be a standard requirement. A successional stage estimation (i.e., pioneer, young, mid-aged, mature, old-growth) provides a sufficient level of detail in this regard. Should this information be needed, such as if direct impacts or removal of a treed area is proposed, this information can be provided in the Tree Protection Plan report. It is not reasonable to capture this level of detail for each treed vegetation community, especially if it will be retained and buffered.</p>
2. Vascular Flora	<ul style="list-style-type: none"> <li>- 3-season (spring, summer, fall) inventory is industry standard and sufficient to capture all vascular flora in all terrestrial/wetland/aquatic habitat types if timed appropriately throughout growing season; this includes difficult Genera to identify such as <i>Poaceae</i>, <i>Juncaceae</i>, <i>Cyperaceae</i> where flowering specimens are needed for positive identification</li> <li>- UTRCA has recently been requesting 4-season inventories, which provides minimal (if any) additional value to a particular property's flora</li> <li>- in the "Inventory Protocols" subheading preceding Vegetation Communities and Vascular Flora sections, vascular plant surveys are listed in 4 seasonal timing windows, which is misleading as both of these sections indicate flora surveys to be done in 3 seasons.</li> <li>- Reference to 'MNRF SAR in Ontario (Bowman, 1996)' is outdated and is recommended for removal. Current provincially rare species should be those identified with S-Rank S1 to S3 (NHIC) and on the List of Species at Risk in Ontario (SARO) under the <i>endangered Species Act</i> (ESA, 2007).</li> <li>- regional rarity status should be assessed in the City of London using Oldham 2017 list of the Carolinian Zone.</li> </ul>
3. Breeding Birds	<ul style="list-style-type: none"> <li>- Under the 'Breeding Birds' heading, reference is made to all types of bird surveys and not only breeding (breeding, migratory, overwintering); recommended that the main heading be 'Bird Surveys' with subheadings for the other categories</li> <li>- While reference is made to both 'breeding and migratory' bird surveys, no further information is provided on the expectations or protocols for migratory surveys. Additional clarification is needed.</li> <li>- Breeding bird surveys should follow the OBBA guidelines (2001) and are generally to be completed between dawn and 5hrs afterwards (rather than 5:00AM-10:00AM since dawn changes considerably from in the breeding season).</li> <li>- Reference is made to utilizing transects or point counts, but in some cases area searches may be adequate to assess migratory and breeding birds, particularly on small sites.</li> <li>- American Woodcock is singled out as a species to be surveyed for during crepuscular surveys, but it is unclear for what purpose as this is not generally considered a rare species and is not a Species at Risk.</li> <li>- Standardized protocols for surveying crepuscular bird species are not provided in the OBBA 2001 guide for participants. Instead the new guidelines are to be referenced, specifically the <i>Ontario Nightjar Instruction Manual</i> (OBBA, February 2021)</li> <li>- The OBBA has prepared targeted survey protocols for owl species that have the potential to occur within southern Ontario. It is important that the survey protocol be targeted to the specific owls that have the potential to occur. In London, this is generally Eastern Screech Owl (<i>Megascops asio</i>) and Great Horned Owl (<i>Bubo virginianus</i>), and as such, the most often utilized protocol is the OBBA <i>Ontario Eastern Screech Owl Survey Instruction Manual</i> (April 2021). Note that no specific protocol for surveying for Great Horned Owl is prepared as this species may be detected during other nocturnal surveys and does not readily respond to playback. Long-</li> </ul>

	<p>long-eared Owl (<i>Asio otus</i>) also have the potential to breed within the London area, and if habitat is deemed to be present, the <i>Ontario Long-eared Owl Survey Instruction Manual</i> (July 2021) should be used.</p> <p>-the new <i>Marshbird Survey Instruction Manual</i> (OBBA April 2021) should be utilized as the newest survey protocol for carrying out marshbird surveys.</p> <p>- A correction to the references for Raptor Overwintering Area surveys is recommended. The text implies that 'MNR 2015a' is the source for the Bird and Bird Habitats: Guidelines for Windpower Projects, but it is the SWH Criteria Schedules for Ecoregion 7E. Clarification is needed.</p> <p>-Reference to the Forest Breeding Bird Survey (2008) is made for the first time in the final bullet; is this the protocol that is required to be followed, and when? It needs to be made clear when it is acceptable to utilize the OBBA 2001 guidelines vs. the Forest Breeding Bird Survey (2008) techniques. Revisions to the overall Breeding Birds section is recommended to provide more clarity on which protocols are required to be used.</p>
4. Herpetofauna	<p>- Recommended that this section be divided into separate categories for better clarity and organization, i.e., Anurans, Salamanders, Turtles, Snakes</p> <p>- consider providing guidance with regards to appropriate weather for each type of survey.</p> <p>-The specific triggers for the various survey types outlined are unclear. More information should be provided to clearly state when certain surveys are needed.</p> <p>-In relation to the above-noted point, the on-site confirmation of suitable habitat for herpetofauna should be the first step in the assessment process (as this will feed into the requirements for certain survey types)</p> <p>- Clarification on the reasons behind the need to complete surveys for lungless salamanders via the Joint EMAN / Parks Canada National Monitoring Protocol for Plethodontid Salamanders (Zorn et al. 2004) should be provided. This protocol is a long-term monitoring protocol meant to monitor ecosystem health via salamanders as indicator species. The results of this survey type would not indicate the presence of any provincial or federal protected habitat types, including Significant Wildlife Habitat types or Species at Risk habitats. It is recommended to consider the objective of completing this survey type and how the results will be used to determine whether or not it should be included as a suggested survey.</p>
• 1 <sup>st</sup> bullet point	<p>- It is unclear why only newts and mole salamanders are specified here; the trigger for these survey types would typically be either the presence of candidate Amphibian Breeding Habitat (Wetland or Woodland) Significant Wildlife Habitat (SWH) or the potential presence of the Species at Risk Jefferson Salamander (<i>Ambystoma jeffersonianum</i>) in the prescribed study area combined with suitable vernal pool or wetland breeding habitat. This distinction should be made clear, and these survey types (e.g., minnow trapping, pitfall traps, active hand searches, genetic testing) could be discussed as part of subsections 8. Significant Wildlife Habitat (SWH) and 10. Species at Risk (SAR) instead.</p> <p>- The appropriateness of referring to McLaren et al (1998) (<i>Wildlife monitoring programs and inventory techniques for Ontario. South Porcupine: Ontario Ministry of Natural Resources - Boreal Science Section</i>) is questioned. It is recommended to update this reference to: Jefferson Salamander Recovery Team. 2013. Sampling Protocol for Determining the Presence of Jefferson Salamanders (<i>Ambystoma jeffersonianum</i>) in Ontario. Prepared by the Jefferson Salamander Recovery Team. 11 pp.</p> <p>- Determining the timing of salamander surveys should be done by a qualified professional with expertise in the biology of the target species. Consultation with local experts and/or the NDMNRF is not specifically necessary, or even always possible during a given year; if an individual is qualified to conduct the surveys (as is required</p>

	per the statement earlier in the Appendix), they are qualified to determine the timing of surveys and the specific techniques that will be used. In some cases, such as when Amphibian Movement Corridor SWH or Jefferson Salamander habitat is being assessed, consultation with the NDMNRF (SWH) or the MECP (SAR) can be completed.
• 3 <sup>rd</sup> bullet point	- Recommend adding in number of surveys and season for each, and weather conditions for each survey. Also add that surveys should be as close to suitable breeding habitat as possible in order to record species calling within 100m.
• 4 <sup>th</sup> bullet point	- Do "observational surveys" refer to targeted visual searches in addition to anuran call surveys? Please clarify, including the number of targeted searches required. Generally additional targeted searches are not required, although ecologists will note all species observed during any site visit and site survey.
• 5 <sup>th</sup> bullet point	-The inclusion of 'gravel road shoulders' as targets of turtle nesting surveys is not recommended; these areas often represent 'population sinks' and are not considered as protected SWH (OMNR 2000, MNRF 2015a) - It is recommended to elaborate on the types of turtle surveys that could be completed as nesting surveys are only one type. For example, visual encounter surveys as outlined in MNRF (2015) are also recommended to be considered where appropriate habitat is present.
• 6 <sup>th</sup> bullet point	- Following the Survey Protocol for Species at Risk Snakes in Ontario (MNRF 2016), Visual Encounter Surveys (VES) can be completed within the snake active season which extends beyond the late April to late June timing referenced in the Data Collection Standards (generally April - September). -The word 'searches' should be removed following Visual Encounter Surveys in the 1 <sup>st</sup> sub-bullet - It is recommended to refer to "Cover board surveys" as "Artificial Cover Object (ACO) surveys" as per MNRF (2016). -A WSCA is required for all ACO surveys and active hand searches - not only when snakes or other wildlife may be handled, but when they may be disturbed during a survey (e.g., by lifting natural cover objects). An Animal Care Protocol is only required when snakes or other wildlife will be handled. - It is unclear why Queensnake surveys are singled out, as other snake survey protocols may be required as well. - Queensnake surveys may also be necessary on smaller tributaries to the Thames River. - Peter Mill's book 'Metamorphosis' is also a really good resource for amphibian egg/larvae ID.
5. Mammals	-This section reads poorly and is recommended to be carefully reviewed and revised to reflect more clarity and organization on mammal survey requirements.  <u>Bat Surveys:</u> 2 different types of bat-related SWH should be considered: a. Bat Maternity Colony b. Bat Hibernacula  -Both SWH types should be assessed in reference to the Bats and Bat Habitat: Guidelines for Wind Power Projects (MNRF 2011), the most up-to-date guidance from the NDMNRF, and the criteria outlined in the SWHTG (2000) and Criteria Schedules for Ecoregion 7E (MNRF 2015).



SAR bats and their habitats:  
 - Survey requirements for SAR bats are continually being updated based on the most current information. It is recommended to consult with MECP to confirm the most up-to-date survey protocols are being used.  
 - Habitat can include both treed habitats as well as human-made structures (e.g., buildings, bridges, etc.); both habitat types should be assessed:

Treed Habitats  
 - At present, methods outlined in the following survey protocols are considered acceptable:  
 \*Ministry of Natural Resources and Forestry (MNRF). 2017. Survey Protocol for Species at Risk Bats within Treed Habitats Little Brown Myotis, Northern Myotis and Tri-colored Bat. April 2017.  
 \*Ministry of Environment, Conservation and Parks (MECP). 2020. Maternity Roost Surveys (Forests/Woodlands). 3 pp.  
 - All treed vegetation communities have the potential to provide suitable bat SAR roosting habitat, including for maternity colony roosting. In addition to referring to the above-noted survey protocols, it is recommended to consult with the MECP and a qualified biologist to determine the approach to assessing species presence and use of potential habitats. This may include habitat assessments, acoustic monitoring and/or capture surveys. Note, the MECP currently does not support the use of capture surveys, but may consider their use where appropriate.

Anthropogenic Structures  
 - At present, methods outlined in the following survey protocols are considered acceptable:  
 \*Ministry of Environment, Conservation and Parks (MECP). 2018. Use of Buildings by Species at Risk Bats Survey Methodology. July 26, 2018. 2 pp.  
 \*Bats and Bat Habitat: Guidelines for Wind Power Projects (MNRF 2011)  
 - A thorough assessment of potential entry/exit points for roosting should be conducted on all anthropogenic structures that may provide suitable roosting habitat, including buildings and bridges.  
 \*Exit surveys in accordance with the most up-to-date survey protocol should be completed during the peak bat maternity period to assess the presence of bat SAR and associated roosting habitat. Exit surveys should consist of a combination of visual and acoustic surveys as per MECP (2018).

Other mammals:  
 - It is not necessary to clarify what is meant by 'other mammals' by way of listing (e.g., deer, badgers, moles). Recommend giving examples of non-bat SAR mammals that may need to be assessed (e.g., American Badger)  
 - 'Other mammal-related SWH' beyond the above-noted Bat Maternity Colony and Bat Hibernacula SWH is restricted to 2 types: Deer Winter Congregation Areas and Habitats of Special Concern and Rare mammals (such as Woodland Vole). Deer Winter Congregation Areas are typically determined and mapped by the NDMNRF. Revisions to this bullet point are recommended to incorporate these considerations.

- The Inventory Protocols- List of Survey Timeframes sections include 'Winter Wildlife Surveys' under the Winter season, however there are no further details provided in the Appendix. Winter Wildlife Surveys are

	<p>recommended to take place when ecological movement corridors may be present within a study area (and it is necessary to understand the species, abundance, main travel direction etc. of wildlife using these areas), and/or an understanding of the general level of habitat use by mammals and other wildlife is needed. In keeping with protocols used elsewhere in southern Ontario, the following approach is recommended for Winter Wildlife Surveys:</p> <ul style="list-style-type: none"> <li>• 2 surveys</li> <li>• Conducted 24-48h of snowfall &gt;2cm</li> <li>• Completed between January and early March</li> <li>• Information documented to include direct observations and sign (e.g., tracks, scat, browse, rubs, dens) for all mammals and birds</li> <li>• Mapping of high-use areas and corridors, direction of movements, etc. when possible</li> </ul>
<p>7. Aquatic communities and habitats survey</p>	<p>-A revised subsection title is recommended, similar to 'Aquatic Resource Characterization', to better capture the intent of the section</p> <p>-As noted above, it is recommended that Headwaters Drainage Feature (HDF) assessments be included in this category</p> <p>-Grammar correction: 'Technical data requirements will be determined in consultation with the City of London and may include, but is are not limited to the following...'</p> <p>-Word addition recommended: '(e.g., seine netting, minnow traps and electrofishing)'</p> <p>-Recommended that Aquatic Habitat Assessments, in addition to Fish Community Sampling, also follow OSAP methodologies (not currently indicated)</p>
<p>9. Regionally Rare Species</p>	<p>-As noted further below, this subsection may require removal and/or significant changes since it does not appear to meet the stated intent assessing regionally rare species.</p> <p>-The opening paragraph is confusing and recommended to be revised as follows (or similarly, as deemed appropriate):</p> <p>Assessments of regionally rare species should aim to determine species presence, population size (when possible), habitat availability and quality, and any other pertinent information (such as nesting areas, dens, etc.). Regionally rare species occurrences and confirmed habitats should be shown on all report mapping. Analyses of site significance should consider the presence, or potential presence of regionally rare species.</p> <p>-With the exception of Oldham 2017 (which provides regional statuses for plants in Middlesex County), none of the listed resources provide information about the relative abundance or rarity of the atlas or resource target taxa. The listed sources provide valuable background information on what species are found within a particular atlas square (usually 10km x 10km), but do not achieve the stated goal of this subsection of 'documenting regionally rare species'. A species is not considered regionally rare only because it is documented in a wildlife atlas square.</p> <p>-Several of the noted sources correspond to older versions of a particular atlas, and should no longer be referred to. The following lists the correct references that should be used for each taxa during background information review.</p>

	<p>Ontario Mammal Atlas (Dobbyn 1994) Ontario Breeding Bird Atlas (Bird Studies Canada et al. 2006) – until the release of the new atlas (likely to be after 2025), this is the correct source to reference Ontario Butterfly Atlas (Macnaughton et al. 2020) Ontario Odonata Atlas Database (requested through NHIC) Ontario Herpetofauna Atlas (Ontario Nature 2019)</p> <p>The Partners in Flight program is often not used in Environmental Studies and has not been used by the City in quite some time. As it identifies targeted species of conservation concern based on a continental basis, it may not reflect local conditions in London and should not be used.</p>
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Dear Members of Council.

Please reject the agenda item 4.1 from the Corporate Services Committee because the committee did not provide any direction for this item as requested.

The request is simple. We are simply asking that residents are provided with a standard notice when a private/public parking lot is being proposed in their neighbourhood - any neighbourhood. Standard is a mail out to residents within a 120 metre radius of the subject site.

We don't know why the committee did not support such a simple and reasonable request.

This request was introduced and adopted by Council earlier this year through an amendment to the Public Notice Policy, but the amendment introduced by staff did not reflect Council's Resolution. Instead, it only amendment the policy to include a public notice on the city's website but not a direct notice to residents as is standard practice for a private parking lot proposal.

Please see attached email from the City Clerk's Office.

We don't know why this Council Resolution was not fully implemented by staff. Please refer to the attached agenda items.

We don't want to continually raise this issue when we approached Council in good faith and Council was supportive. So please, reject the committee's agenda of 'no direction' and ask staff to include a standard public notice circulation directly to residents within a 120 meter radius.

Sincerely,

Ben Benedict and AnnaMaria Valastro

North Talbot Community

----- Original Message -----

Good morning

I can confirm that the notice policy does not include a requirement for a notice circulation of 120 metres, or otherwise. The manner of notice that was added to the policy is that the notice of intent shall be posted on the city website and may also be published in a newspaper of general circulation in London. This notice is specific to the proposed implementation of a new municipally managed private commercial lot.

There may be a circulation for private/public lots, should there be an associated planning application required, however this would vary depending on the location.

Regards,

Barb Westlake-Power, MPA

Deputy City Clerk

City Clerk's Office

City of London

Dear Members of Council,

We have been trying for more than two years to resolve this issue. We are simply asking that residents be notified of a proposed municipally run private parking in their neighbourhood. That's it, but for some reason we can't get this done and we can't get answers as to why it is so controversial to simply notify residents of a major change in their neighbourhood.

I have recently asked this of Councillor Maureen Cassidy and George Kotsifa and to date have received no reply.

Please see email below.

I don't understand and the lack of dialogue has created so much tension and animosity for no reason.

We are asking that residents be given notice exactly the same way notice is given when a private parking is being proposed which is: a mail circulation notice to homes within 120 metres of the site, and we asking of this whenever it is proposed regardless of whether there is a great demand for this parking lot or not. ***It is just whenever.***

***Please, amend the Public Notice Policy to include a mailout to resident. Why is this so hard?***

Thank You

AnnaMaria Valastro

# Civic Works Committee

## Report

1st Meeting of the Civic Works Committee  
December 14, 2021

PRESENT: Councillors E. Pelozza (Chair), M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar, Mayor E. Holder

ALSO PRESENT: A. Pascual and J. Taylor

Remote Attendance: Councillors M. Hamou, S. Hillier, S. Lewis, J. Morgan; G. Barrett, J. Dann, I. de Ceuster, D. MacRae, K. Edwards, G. Kotsifas, H. Lysynski, L. Marshall, S. Mathers, K. Scherr, J. Stanford, A. Thompson, and B. Westlake-Power

The meeting was called to order at 12:01 PM with Councillor E. Pelozza in the Chair; it being noted that the following Members were in remote attendance: Mayor E. Holder, Councillors J. Helmer, M. van Holst, P. Van Meerbergen.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

#### 1.2 Election of Vice-Chair for the term ending November 14, 2022

Moved by: M. van Holst

Seconded by: P. Van Meerbergen

That Councillor J. Fyfe-Millar BE ELECTED Vice-Chair of the Civic Works Committee for the term ending November 14, 2022.

Yeas: (5): E. Pelozza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

### 2. Consent

Moved by: J. Helmer

Seconded by: J. Fyfe-Millar

That Items 2.1 and 2.3 BE APPROVED.

Yeas: (6): E. Pelozza, M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

#### 2.1 10th Report of the Transportation Advisory Committee

Moved by: J. Helmer

Seconded by: J. Fyfe-Millar

That the 10th Report of the Transportation Advisory Committee, from its meeting held on November 30, 2021, BE RECEIVED.

**Motion Passed**

2.3 Highbury Avenue South Rehabilitation Project

Moved by: J. Helmer

Seconded by: J. Fyfe-Millar

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated December 14, 2021, related to the appointment of a Consulting Engineering for the Highbury Avenue South Rehabilitation Project from the Wenige Expressway Bridge to Highway 401:

- a) Parsons Inc. BE APPOINTED Consulting Engineers to update and complete the detailed design, and provide assistance with the tendering for the rehabilitation of Highbury Avenue South (Wenige Expressway Bridge to Highway 401) in the amount of \$284,178.00, excluding HST, in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;
- b) the financing for this appointment BE APPROVED as set out in the Sources of Financing Report as appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this appointment;
- d) the approvals given herein BE CONDITIONAL upon the Corporation entering into a formal contract with the Consultant for the work; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, including MTO or utility agreements, if required, to give effect to these recommendations. (2021-T08)

**Motion Passed**

2.2 Supply and Delivery of Transit Signal Priority and Emergency Vehicle Preemption System

Moved by: J. Fyfe-Millar

Seconded by: P. Van Meerbergen

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated December 14, 2021, related to RFP21-08 Transit Signal Priority and Emergency Vehicle Preemption System:

- a) Applied Information Inc. BE AWARDED the contract to supply and deliver intersection detection systems in the amount of \$1,791,375.50, excluding HST, in accordance with Section 12.2 (b) of the City of London's Procurement of Goods and Services Policy;
- b) the financing for this project BE APPROVED in accordance with the Sources of Financing Report as appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- d) the approvals given herein BE CONDITIONAL upon the Corporation entering into a formal contract with the Contractor for the work; and,

e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2021-P16/F05A)

Yeas: (6): E. Pelozo, M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

2.4 Unwanted Water: Quantifying Inflow and Infiltration in London's Wastewater Sewer System

Moved by: P. Van Meerbergen  
Seconded by: J. Fyfe-Millar

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the staff report dated December 14, 2021, with respect to the impacts of the City's unwanted water issues BE RECEIVED for information. (2021-E03)

Yeas: (6): E. Pelozo, M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

**3. Scheduled Items**

None.

**4. Items for Direction**

4.1 A Conceptual Framework for Regional Transportation in London

Moved by: E. Holder  
Seconded by: J. Fyfe-Millar

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the staff report dated December 14, 2021, related to regional transportation in Southwestern Ontario:

- a) the conceptual framework for regional transportation as presented in the above-noted staff report BE ENDORSED; and,
- b) the Civic Administration BE AUTHORIZED to use the conceptual framework as a basis for discussions with the Province of Ontario and municipalities to advance provincial participation in regional transportation in Southwestern Ontario;

it being noted that the staff presentation and a communication from R. Chambers, SCOR EDC, with respect to this matter, were received. (2021-T10)

Yeas: (6): E. Pelozo, M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**



**5. Deferred Matters/Additional Business**

5.1 Deferred Matters List

Moved by: J. Fyfe-Millar

Seconded by: M. van Holst

That the Civic Works Committee Deferred Matters List as at December 6, 2021, BE RECEIVED.

Yeas: (6): E. Peloza, M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

**6. Adjournment**

The meeting adjourned at 12:55 PM.

# Planning and Environment Committee

## Report

1st Meeting of the Planning and Environment Committee  
December 13, 2021

PRESENT: Councillors A. Hopkins (Chair), S. Lewis, S. Lehman, S. Turner, S. Hillier, Mayor E. Holder

ALSO PRESENT: PRESENT: Councillor J. Fyfe-Millar; H. Lysynski and J.W. Taylor

REMOTE ATTENDANCE: Councillors M. Hamou and J. Morgan; J. Adema, A. Anderson, G. Barrett, E. Biddanda Pavan, J. Bunn, M. Clark, M. Corby, A. Curtis, S. Dunleavy, K. Edwards, M. Feldberg, M. Greguol, K. Gonyou, J. Hall, P. Kokkoros, G. Kotsifas, A. Macpherson, P. Masse, C. Maton, H. McNeely, L. Mottram, B. O'Hagan, A. Pascual, S. Meksula, B. Page, M. Pease, A. Riley, M. Schulthess, S. Tatavarti, M. Tomazincic, M. Vivian, B. Westlake-Power and E. Williamson

The meeting was called to order at 4:02 PM, with Councillor A. Hopkins in the Chair, Councillors S. Lehman, M. Hamou and S. Lewis present and all other Members participating by remote attendance.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

#### 1.2 Election of Vice-Chair for the Term ending November 14, 2022

Moved by: S. Turner

Seconded by: S. Lewis

That Councillor S. Lehman BE ELECTED as Vice-Chair for the term ending November 14, 2022.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

### 2. Consent

Moved by: S. Hillier

Seconded by: S. Lehman

That Items 2.1 to 2.5, inclusive, and 2.7 to 2.11, inclusive, BE APPROVED.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

2.1 355 Middleton Avenue (H-9363)

Moved by: S. Hillier  
Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, based on the application by Sifton Properties Ltd., relating to the property located at 355 Middleton Avenue, the proposed by-law appended to the staff report dated December 13, 2021 BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential Special Provision R5 (h\*h-100\*h-198\*R5-4(23)) and a Holding Residential Special Provision R6 (h\*h-100\*h-198\*R6-5(51)) Zone TO a Residential Special Provision R5 (R5-4(23)) and a Residential Special Provision R6 (R6-5(51)) to remove the h, h-100 and h-198 holding provisions. (2021-D09)

**Motion Passed**

2.2 890 Upperpoint Avenue (H-9392)

Moved by: S. Hillier  
Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, based on the application by Sifton Properties Ltd., relating to the property located at 890 Upperpoint Avenue, the proposed by-law appended to the staff report dated December 13, 2021 BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R1 (h\*R1-4) Zone TO a Residential R1 (R1-4) Zone. (2021-D09)

**Motion Passed**

2.3 890 Upperpoint Avenue (P-9358)

Moved by: S. Hillier  
Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Sifton Properties Ltd., to exempt Block 141, Plan 33M-754 and Block 42, Plan 33M-810 from Part-Lot Control:

- a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the staff report dated December 13, 2021 BE INTRODUCED at a future Council meeting, to exempt Block 141, Plan 33M-754 and Block 42, Plan 33M-810 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*; it being noted that these lands are subject to registered subdivision agreements and are zoned Holding Residential R1 (h\*R1-4) in Zoning By-law No. Z.-1, which permits single detached dwellings;
- b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Block 141, Plan 33M-754 and Block 42, Plan 33M-810 as noted in clause a) above:
  - i) the applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
  - ii) the applicant submit a draft reference plan to the Planning and Development for review and approval to ensure the proposed part lots and

- development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
- iii) the applicant submits to the City a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
  - iv) the applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
  - v) the applicant submit to the Deputy City Manager, Environment and Infrastructure or designate for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
  - vi) the applicant shall enter into any amending subdivision agreement with the City, if necessary;
  - vii) the applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
  - viii) the applicant shall obtain confirmation from the City that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
  - ix) the applicant shall obtain approval from the City of each reference plan to be registered prior to the reference plan being registered in the land registry office;
  - x) the applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
  - xi) the applicant shall obtain clearance from the Deputy City Manager, Environment and Infrastructure that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
  - xii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question. (2021-D25)

**Motion Passed**

2.4 1478 Westdel Bourne (H-9411)

Moved by: S. Hillier

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, based on the application by Stantec Consulting c/o Amelia Sloan, relating to lands located at 1478 Westdel Bourne, the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan,) to change the zoning of the subject lands FROM a Holding Residential R6/R8 Special Provision (h-54•h-209•R6-5(77)/R8-4(64)) Zone TO a Residential R6/R8 Special Provision (R6-5(77)/R8-4(64)) Zone to remove the holding (h-54 and h-209) provisions. (2021-D09)

**Motion Passed**

2.5 1235 Fanshawe Park Road West (H-9287)

Moved by: S. Hillier

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, based on the application by Calloway REIT (Fox Hollow) Inc., relating to lands located at 1235 Fanshawe Park Road West, the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R8 Special Provision (h-147•R8-4(39)) Zone and a Holding Residential R8 Special Provision/Associated Shopping Area Commercial Special Provision (h-147•R8-4(40)/ASA3(10)/ASA6(4)/ASA8(5)) Zone TO a Residential R8 Special Provision (R8-4(39)) Zone and a Residential R8 Special Provision/ Associated Shopping Area Commercial Special Provision (R8-4(40)/ASA3(10)/ASA6(4)/ASA8(5)) Zone to remove the holding (h-147) provision. (2021-D09)

**Motion Passed**

2.7 1225 Hyde Park Road (H-9419)

Moved by: S. Hillier

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Economic Development, based on the application by Motivity Land Incorporated, relating to the property located at 1225 Hyde Park Road, the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Restricted Service Commercial RSC1, RSC3, and RSC5 (h-17•RSC1/RSC3/RSC5) Zone TO a Restricted Service Commercial RSC1, RSC3, and RSC5 (RSC1/RSC3/RSC5) Zone. (2021-D09)

**Motion Passed**

2.8 1150 Byron Baseline Road (H-9424)

Moved by: S. Hillier

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Economic Development, based on the application by 2186121 Ontario Incorporated, relating to the property located at 1150 Byron Baseline Road, the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R5-7 Special Provision (h-5•h-183•R5-7(12)) Zone TO a Residential R5-7 Special Provision (R5-7(12)) Zone. (2021-D09)

**Motion Passed**

2.9 613 Superior Drive (33M-680)

Moved by: S. Hillier  
Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Economic Development, 2047790 Ontario Inc., the owner of the potential school site located on the south side of Superior Drive, north of Sunningdale Road East, municipally know as 613 Superior Drive and legally described as Block 103 on Registered Plan 33M-641, BE ADVISED that the City has no interest in acquiring the said property for municipal purposes. (2021-D09/S13)

**Motion Passed**

2.10 59 Albion Street (HAP21-79-L)

Moved by: S. Hillier  
Seconded by: S. Lehman

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for the use of the NUVO Iron railing system on the front porch of the heritage designated property at 59 Albion Street within the Blackfriars/Petersville Heritage Conservation District, BE APPROVED with the following terms and conditions:

a) any future repair, alterations, or replacement to the railing system require the implementation of the squared wooden spindles approved through HAP21-018-D. (2021-R01)

**Motion Passed**

2.11 October, 2021 Building Division Monthly Report

Moved by: S. Hillier  
Seconded by: S. Lehman

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

**Motion Passed**

2.6 Transit-Oriented Secondary Plan Prioritization

Moved by: S. Lewis  
Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the Transit-Oriented Secondary Plan Priority Areas, appended to the staff report dated December 13, 2021 as Appendix "A", BE ENDORSED. (2021-D09)

Yeas: (6): A. Hopkins, S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

### 3. Scheduled Items

#### 3.1 876 Wellington Road (Z-9380)

Moved by: S. Turner

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by 1985798 Ontario Inc., relating to the property located at 876 Wellington Road:

a) the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, (The London Plan, 2016) and the Official Plan for the City of London (1989)), to change the zoning of the subject property FROM a Highway Service Commercial Special Provision (HS(1)) Zone TO a Highway Service Commercial Special Provision (HS(\_)) Zone; and,

b) pursuant to Section 34(17) of the *Planning Act R.S.O. 1990, c.P.13*, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-law as the change in parking is minor in nature, the existing conditions plan circulated in the Notice of Application and Notice of Revised Application and Notice of Public Meeting accurately reflect the existing condition of the site, and no development or site alteration is proposed;

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

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Rapid Transit Corridor Place Type;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Auto-Oriented Commercial Corridor designation; and,
- the recommended amendment would facilitate reuse of the existing building with a use that is appropriate for the context of the site. (2021-D09)

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Lewis

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Turner  
Seconded by: S. Hillier

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

3.2 4270 Lismer Lane (Z-9494)

Moved by: E. Holder  
Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, based on the application by Goldfield Limited, relating to the property located at 4270 Lismer Lane, the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Holding Residential R8 (h\*h-100\*h-104\*h-198\*R8-4) Zone, TO an Holding Residential R5 Special Provision and R8 (h\*h-100\*h-104\*h-198\*R5-7( )/R8-4 Zone;

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

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

- the recommended zoning by-law amendment is consistent with the Provincial Policy Statement;
- the recommended zoning conforms to the in-force policies of The London Plan, including, but not limited to, the Neighbourhood Place Type, City Building and Design, Our Tools, and all other applicable London Plan policies;
- the recommended zoning conforms to the policies of the 1989 Official Plan, including, but not limited to, the Multi-Family, Medium Density Residential designation; and,
- the zoning will permit development that is considered appropriate and compatible with the existing and future land uses surrounding the subject lands. (2021-D09)

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Lehman  
Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**



Moved by: E. Holder  
Seconded by: S. Hillier

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

3.3 1955 Jim Hebb Way (Z-9382)

Moved by: S. Turner  
Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, based on the application by Foxwood Developments (London) Inc., relating to the lands located at 1955 Jim Hebb Way, the proposed by-law appended to the Planning and Environment Committee Added Agenda as Appendix 'A' BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R5/R6 (h\*h-54\*h-71\*h-100\*R5-6/R6-5) Zone, and a Holding Residential R6/R9 (h-54•R6-5/R9-3•H20) Zone TO a Holding Residential Special Provision R5/R6 (h\*h-54\*h-71\*h-100\*R5-6(\_\_))/R6-5 Zone.

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

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

- the recommended zoning amendment is consistent with the Provincial Policy Statement (PPS), 2020, as it promotes efficient development and land use patterns; accommodates an appropriate range and mix of land uses, housing types, and densities to meet projected needs of current and future residents; and minimizes land consumption and servicing costs;
- the recommended zoning amendment conforms to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place Type, Our Strategy, City Building and Design, Our Tools, and all other applicable London Plan policies;
- the recommended zoning amendment permits a use, form and intensity of residential development that conforms to the in-force policies of the (1989) Official Plan, including but not limited to the Multi-Family, Medium Density Residential designations;
- the recommended zoning amendment will allow for a reduced front yard depth of main building on Henrica Avenue, a reduced exterior side yard setback of to the main building on Dyer Drive & Jim Hebb Way and reduced yard encroachments to patio projection from the street line;
- the subject development block is of a size and shape suitable to accommodate the proposal. The recommended zoning amendment provides appropriate regulations to control the use and intensity of the building and ensure a well-designed development with appropriate mitigation measures; and,
- the proposed uses, form, and intensity are considered appropriate and compatible with existing residential development in the surrounding neighbourhood. (2021-D09)

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Turner  
Seconded by: S. Hillier

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Lehman  
Seconded by: S. Turner

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

#### 3.4 506 Oxford Street East (OZ-9397)

Moved by: E. Holder  
Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Sidhu McDowall Medicine Professional Corporation, relating to the property located at 506 Oxford Street East:

- a) the proposed by-law appended to the staff report dated December 13, 2021, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend the 1989 Official Plan to ADD a new policy to Section 10.1.3 – "Policies for Specific Areas" to a pharmacy on the subject lands; and,
- b) the proposed by-law appended to the staff report dated December 13, 2021, as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in part a) above), to change the zoning of the subject property FROM a Residential R3/Office Conversion (R3-1/OC5) Zone TO a Residential R3/Office Conversion Special Provision (R3-1/OC5(\*)) Zone;

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

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

- the recommended amendments are consistent with the Provincial Policy Statement (PPS), 2020, for mixed use development within transit supportive areas;

- the recommended amendment conforms to the in-force policies of The London Plan, including the Key Directions and the Urban Corridor Place Type; and,
- the recommended amendment conforms with the 1989 Official Plan, including permitting convenience commercial in mixed use areas and the criteria for specific area policies. (2021-D09)

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Lewis

Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Lehman

Seconded by: S. Turner

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

### 3.5 1408 Ernest Avenue (Z-9385)

Moved by: S. Turner

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning & Development, based on the application by Paner House Inc., relating to the property located at 1408 Ernest Avenue, the proposed by-law appended to the staff report dated December 13, 2021, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Restricted Office (RO2) Zone TO a Residential R8 Special Provision (R8-4( )) Zone;

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

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;

- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the \*Neighbourhood Place Type policies;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-Family, Medium Density Residential designation;
- the recommended amendment would facilitate reuse of the existing building with a use that is appropriate for the context of the site; and,
- the subject lands represent an appropriate location for intensification in the form of an apartment building, at an intensity that is appropriate for the site and surrounding area. (2021-D09)

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Lehman  
Seconded by: E. Holder

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Lehman  
Seconded by: S. Lewis

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

### 3.6 978 Gainsborough Road (Z-9247)

Moved by: S. Lehman  
Seconded by: E. Holder

That the application by Highland Communities Limited, relating to the property located at 978 Gainsborough Road BE REFERRED back to the Civic Administration for further consideration;

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

- the staff presentation;
- a communication dated December 8, 2021 from H. Froussios, Senior Associate, Zelinka Priamo Ltd.; and,
- a communication dated December 6, 2021 from M. Niglas;

it being further pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2021-D09)

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Hillier

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Lehman

Seconded by: S. Hillier

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

3.7 414-418 Old Wonderland Road (SPA20-103)

Moved by: E. Holder

Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Four Fourteen Inc., relating to the property located at 414-418 Old Wonderland Road:

a) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Site Plan Approval to facilitate the construction of the proposed residential development; and,

b) the Approval Authority BE ADVISED that the Municipal Council has no issues with respect to the Site Plan Application, and that the Municipal Council supports the Site Plan Application;

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

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

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

- the Site Plan, as proposed, is consistent with the Provincial Policy Statement, 2020, as it provides for development within an existing settlement area and provides for an appropriate range of residential uses within the neighbourhood;

- the proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan;
- the proposed Site Plan conforms to the Multi-family, Medium Density Residential designation of the 1989 Official Plan;
- the proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law; and,
- the proposed Site Plan meets the requirements of the Site Plan Control By-law. (2021-D09)

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Turner

Seconded by: S. Lewis

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Moved by: E. Holder

Seconded by: S. Lehman

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

### 3.8 Environmental Management Guidelines

Moved by: S. Lehman

Seconded by: S. Turner

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the Environmental Management Guidelines Update:

a) the Environmental Management Guidelines appended to the staff report dated December 13, 2021 as Appendix 1 to Appendix "A", BE ADOPTED as a Municipal Guideline Document; and,

b) the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to adopt the Environmental Management Guidelines, appended to the staff report dated December 13, 2021, in accordance with London Plan policy 1713;

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

- a communication dated December 2, 2021, from S. Franke, Executive Director, London Environmental Network;
- a communication dated December 2, 2021, from J. Hanbuch, The

Urban League of London;

- a communication dated December 6, 2021, from B. Samuels, Member, Environmental and Ecological Planning Advisory Committee; Coordinator, London Bird Team and PhD Candidate, Department of Biology, The University of Western Ontario;
- a communication dated December 4, 2021, from D. Wake, Nature London; and,
- a communication dated December 9, 2021, from M. Wallace, Executive Director, London Development Institute;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2021-D03)

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Lehman  
Seconded by: S. Hillier

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Lehman  
Seconded by: S. Hillier

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Turner  
Seconded by: A. Hopkins

Motion to add a new part c) which reads as follows:

c) the bi-annual review as outlined in the Environmental Management Guidelines BE ADDED to the Planning and Environment Committee Deferred Matters List;

Yeas: (3): A. Hopkins , S. Turner, and S. Hillier

Nays: (3): S. Lewis, S. Lehman, and E. Holder

**Motion Failed (3 to 3)**

### 3.9 50 King Street - Demolition Request

Moved by: S. Lewis  
Seconded by: E. Holder

That, on the recommendation of the Deputy City Manager, Planning and Economic Development with the advice of the Heritage Planner, the demolition request for the heritage designated property at 50 King Street, located in the Downtown Heritage Conservation District, BE PERMITTED pursuant to Section 42(1) of the *Ontario Heritage Act* subject to the following terms and conditions:

- a) prior to any demolition, photographic documentations and measured drawings of the existing building at 50 King Street be completed by the property owner and submitted to the satisfaction of the Director, Planning and Development.
- b) prior to any demolition, a demolition plan shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development demonstrating how the heritage attributes of adjacent cultural heritage resources are conserved, mitigating any potential direct or indirect adverse impacts, and implementing the recommendations of the Cultural Heritage Impact Assessment submitted as part of the demolition request, it being noted that should an area(s) identified as requiring further archaeological assessment be included within the work area for the demolition of the existing building at 50 King Street, further archaeological assessment shall be required;
- c) prior to any demolition, a landscape plan shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development identifying work required to create a grass lawn on the property as an interim condition until any future redevelopment. No additional commercial and/or accessory parking will be permitted on the property as an interim use prior to the redevelopment of the property. The landscape plan should identify the cost of the work for the purpose of calculating a landscape security;
- d) a security for landscape be taken to ensure condition c) is implemented within an appropriate timeframe;
- e) prior to demolition, the plaques commemorating the opening of the Middlesex Municipal Building in 1959 and 50 King Street in 1986 be salvaged by the property owner; and,
- f) efforts to commemorate the Middlesex Municipal Building and the Court House Block be addressed through any future Heritage Impact Assessment required for the site and integrated into any landscape plans for the broader site;

it being noted that a separate Heritage Impact Assessment will be required as part of a future planning application for the property and Heritage Alteration Permit approval will be required before the issuance of a Building Permit;

it being pointed out that the Planning and Environment Committee reviewed and received a communication dated December 8, 2021, from K. McKeating, President, Architectural Conservancy of Ontario, London Region, with respect to this matter;

it being further pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters; (2021-R01/P10D)

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**



Additional Votes:

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Lewis

Seconded by: S. Turner

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

#### **4. Items for Direction**

##### **4.1 1st Report of the Advisory Committee on the Environment**

Moved by: S. Turner

Seconded by: S. Lehman

That, the following actions be taken with respect to the 10th report of the Advisory Committee on the Environment, from its meeting held on December 1, 2021:

a) the following comments, from the Advisory Committee on the Environment (ACE), BE FORWARDED to the Municipal Council through the Planning and Environment Committee for consideration, with respect to the Wharnccliffe Road South Expansion and 100 Stanley Street Relocation:

- the ACE recommends that the Wharnccliffe Road South Improvements project explore every possible avenue to avoid road widening to provide more traffic lanes for motor vehicles; it being noted that there are a number of alternative methods that provide better traffic flow and improved options outside of driving one's own personal vehicle (public transit, cycling, walking, etc.) and making this stretch the first of many projects to turn a stroad into proper transportation infrastructure;
- the ACE recommends that the Civic Administration be directed by Municipal Council to revisit the issue of moving the property located at 100 Stanley Street and to find a way to move the house across the street; and,
- the ACE encourages that, as we are in a climate crisis and have declared a climate emergency ourselves, means we must do everything possible to mitigate negative environmental impacts, for example demolishing homes and making room for more motor vehicles, is the exact antitheses to this declaration; and,

b) clauses 1.1, 2.1 and 2.2, inclusive, 3.1, 5.1, 5.3 and 5.4, inclusive, BE RECEIVED for information.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

4.2 9th Report of the Trees and Forests Advisory Committee

That the 9th Report of the Trees and Forests Advisory Committee, from its meeting held on November 24, 2021 BE RECEIVED for information.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

4.3 Request for Council Resolution, under Section 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13 - 1919-1929 Oxford Street West

Moved by: S. Lewis

Seconded by: S. Lehman

That, the following actions be taken with respect to the property located at 1919-1929 Oxford Street West:

a) on the recommendation of the City Clerk, the report dated December 13, 2021 and entitled "Request for Council Resolution, under section 45(1.4) of the *Planning Act, 1990, c. P.13 - 1919-1929 Oxford Street West*" BE RECEIVED for information; and,

b) the request to accept a Minor Variance application relating to the property located at 1919-1929 Oxford Street West BE APPROVED. (2021-D13)

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

**5. Deferred Matters/Additional Business**

5.1 Deferred Matters List

Moved by: S. Lewis

Seconded by: S. Lehman

That the Deputy City Manager, Planning and Economic Development BE DIRECTED to provide current information related to the items on the Deferred Matters List to the Committee Clerk in order to update the List.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

5.2 (ADDED) 1st Report of the London Advisory Committee on Heritage

Moved by: E. Holder

Seconded by: S. Lehman

That, the following actions be taken with respect to the 1st Report of the London Advisory Committee on Heritage, from its meeting held on December 8, 2021:

a) on the recommendation of the Deputy City Manager, Planning and Economic Development, with the advice of the Heritage Planner, the demolition request for the heritage designated property located at 50 King

Street, located in the Downtown Heritage Conservation District, BE PERMITTED pursuant to Section 42(1) of the Ontario Heritage Act subject to the following terms and conditions:

- prior to any demolition, photographic documentations and measured drawings of the existing building at 50 King Street be completed by the property owner and submitted to the satisfaction of the Director of Planning and Development;
- prior to any demolition, a demolition plan shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development demonstrating how the heritage attributes of adjacent cultural heritage resources are conserved, mitigating any potential direct or indirect adverse impacts, and implementing the recommendations of the Cultural Heritage Impact Assessment submitted as part of the demolition request, it being noted that should an area(s) identified as requiring further archaeological assessment be included within the work area for the demolition of the existing building at 50 King Street, further archaeological assessment shall be required;
- prior to any demolition, a landscape plan shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development identifying work required to create a grass lawn on the property as an interim condition until any future redevelopment; no additional commercial and/or accessory parking will be permitted on the property as an interim use prior to the redevelopment of the property; the landscape plan should identify the cost of the work for the purpose of calculating a landscape security;
- a security for landscape be taken to ensure the condition above is implemented within an appropriate timeframe;
- prior to demolition, the plaques commemorating the opening of the Middlesex Municipal Building in 1959 and 50 King Street in 1986 be salvaged by the property owner; and,
- efforts to commemorate the Middlesex Municipal Building and the Court House Block be addressed through any future Heritage Impact Assessment required for the site and integrated into any landscape plans for the broader site;

it being noted that a separate Heritage Impact Assessment will be required as part of a future planning application for the property and Heritage Alteration Permit approval will be required before the issuance of a Building Permit;

it being further noted that the site is an important cultural heritage landscape and should continue to be part of an institutional and public realm landscape in the Downtown Heritage Conservation District;

b) on the recommendation of the Deputy City Manager, Planning and Economic Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval for the use of the NUVO Iron railing system on the front porch of the heritage designated property located at 59 Albion Street, within the Blackfriars/Petersville Heritage Conservation District, BE APPROVED with the following term and condition:

- any future repair, alterations, or replacement to the railing system require the implementation of the squared wooden spindles approved through HAP21-018-D;

it being noted that the communication, as appended to the Added Agenda, from C. Siemens, with respect to this matter, was received; and,

c) clauses 1.1, 2.1 to 2.4 inclusive, 3.1, 4.3, 4.4 and 5.1 BE RECEIVED for information.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

**6. Confidential (Enclosed for Members Only)**

6.1 Solicitor-Client Privilege / Litigation or Potential Litigation

Moved by: S. Lehman

Seconded by: S. Lewis

That the Planning and Environment Committee convene, In Closed Session, for the purpose of considering the following item:

This report can be considered in a meeting closed to the public as the subject matter being considered pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Ontario Land Tribunal (“OLT”), and for the purpose of providing instructions and directions to officers and employees of the Corporation.

Yeas: (6): A. Hopkins , S. Lewis, S. Lehman, S. Turner, S. Hillier, and E. Holder

**Motion Passed (6 to 0)**

The Planning and Environment Committee convenes, in Closed Session, from 7:43 PM to 8:35 PM.

**7. Adjournment**

The meeting adjourned at 8:37 PM.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.1 PUBLIC PARTICIPATION MEETING – 876 Wellington Road (Z-9380)

- Councillor Hopkins: With that I would like to go to Committee Members on this zoning change. Oh. Sorry. There is no presentation. I would like to go to the public, the applicant. Is the applicant here?
- Casey Kulchycki, Zelinka Priamo Ltd.: They are. Good afternoon, Madam Chair. My name is Casey Kulchycki, Senior Planner with Zelinka Priamo Ltd. Good afternoon to yourself, Committee Members, members of the public and staff. I just want, just for some without the staff presentation, maybe being proactive and maybe addressing some of Committee's questions, this application is to permit a service trade use on the subject lands and more specifically it's to permit a plumbing and heating establishment, a local firm, Mike Pope Plumbing and Heating. You may have seen their white trucks while you have been sitting in traffic throughout the city. They're a local firm, multi-generational, and they are seeking a zoning change so that they can relocate their growing establishment to the subject lands. We've reviewed the staff report, we're in agreement with the recommendation that is before Planning Committee. I'm on hand to address any questions or comments from Planning Committee as well as Adam and Carly Pope, the owners of Mike Pope Plumbing are also on hand to address any operational questions. We thank you for your time this afternoon and look forward to your decision. Thank you.
- Councillor Hopkins: Thank you. Is there anyone else from the public that would like to speak to this application? I see none. I'll ask one more time if there's anyone from the public who would like to speak? With that I would like to go to Committee Members to close the public participation meeting.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.2 PUBLIC PARTICIPATION MEETING – 4270 Lismer Lane (Z-9494)

- Councillor Hopkins: Committee Members this is a zoning change to facilitate townhouses. There is not a presentation from staff but I would like to go to the applicant if the applicant is here?
- Scott Allen, MHBC Planning: Good afternoon, Madam Chair and members of the Committee. My name is Scott Allen. I'm with MHBC Planning. At this time we would like to express our support for the findings and the recommendations of the Planning staff report that was prepared by Ms. Curtis. As discussed in that report, the intent of the application is to add a site specific R5-7 Zone to 4270 Lismer Lane to permit a 66 unit cluster townhouse development within this block of the Emily Carr subdivision. I'll just briefly speak to the merits of the application in respect of the report. We agree with the conclusion set out in that report that the proposed zoning, rezoning is consistent with the planning policies, compatible with surrounding development context and will encourage greater housing choice in the community. These findings reflect our, our planning justification report that was submitted in support of the application as well. To conclude we would like to thank city staff for their attention to this application and with approval of this proposal our client is looking to move forward with the site plan approval application shortly and hoping to initiate some development this Spring. Thank you and I'll gladly answer any questions Committee Members may have.
- Councillor Hopkins: Thank you Mr. Allen. I'd like to go to the public now if there's anyone here from the public that would like to make comments to this application? I hear and see none. I will ask one more time if there's anyone here from the public who would like to make comments to this application? I hear and see none so with that I would like to go to Committee Members and looking to close the public participation meeting.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.3 PUBLIC PARTICIPATION MEETING – 1955 Jim Hebb Way (Z-9382)

- Councillor Hopkins: I'll ask staff for a brief presentation on this zoning application. Thank you, Mr. Meksula. If, are there any technical questions of staff from the Committee Members? I see none. I'd like to move on to the applicant if the applicant is here?
- Jay McGuffin, Monteith Brown Planning Consultants: Good afternoon, Madam Chair. Jay McGuffin, Principal Planner, Monteith Brown Planning Consultants. I'm here representing Foxwood Developments (London) Inc., the applicant in this matter and I'm also joined by the Vice-President of Foxwood, Ms. Corri Marr, she is on the line as well. I'd like to thank Sean and staff for the recommendations in the report. We've had a chance to review the report and confer with Mr. Meksula. The amended report and by-law that is attached we're in support and favour of. It is consistent with the application and the planning justification report that we provided. Just wanted to also mention that we, subsequent to receiving comments from the community, held a privately initiated community engagement meeting on the 1st of November. We had five residents of the community attend where we were able to answer questions that they had on the development proposal and provide detailed information in terms of the specificity of the land use that was being asked for, what the purpose of the amendment was in terms of the relief being requested on the yards and what the overall design intent was. Following that, those are our submissions Madam Chair, we are available to respond to any questions of Committee or the public.
- Councillor Hopkins: Thank you Mr. McGuffin for being here. With that I'd like to go to the public if there's anyone here that would like to speak to this application? I hear and see no one. I will ask one more time if there's anyone here from the public that would like to make comments on this application? With that I will go to Committee Members to close the public participation meeting.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.4 PUBLIC PARTICIPATION MEETING – 506 Oxford Street East (OZ-9397)

- Councillor Hopkins: This is a, we are adding a new policy here. There are no changes to the building. There is no presentation. I would like to go to the applicant if the applicant is here and would like to make some comments.
- Matt Campbell, Zelinka Priamo Ltd.: Good afternoon, Madam Chair. It's Matt Campbell from Zelinka Priamo Ltd. here. I don't have anything to add to the staff report that has already been prepared. We are certainly in support of the staff recommendation for approval. For the Committee's consideration what we are looking at here is a Zoning By-law Amendment to permit a pharmacy in an existing building that has been converted from a previous residential use to a partly commercial use. There is still a unit on the upper floor. This is in an area of Oxford Street that has quite seen, quite a bit of office conversions, medical/dental office conversions and uses of that nature and is generally in keeping with those uses. Madam Chair, as you mentioned there is no physical change to the building that has been proposed at this time and we understand this is not subject to site plan approval. Again, the intent here is to permit a pharmacy on the main floor of the dwelling and that pharmacy is more or less a spin off use of some of the other medical/dental offices that are in the immediate area. If there's any questions, I'd be happy to respond to them as necessary. Thank you very much.
- Councillor Hopkins: Thank you Mr. Campbell. I see Councillor Turner has a question. Councillor Turner.
- Councillor Turner: Thank you Madam Chair. Just a quick technical question to Mr. Campbell. In the public engagement one of the property neighbours had some concerns about shared driveway and the parking and some previous damage from the previous patrons of that, have there been any discussions with the adjacent property owners to try and reconcile those concerns?
- Matt Campbell, Zelinka Priamo Ltd.: Through the Chair to Councillor Turner, thanks for the question. It's a great question. I can advise that my client has engaged the services of a surveyor to actually determine where the lot line is and they are currently working out exactly the issue of the shared driveway. That is an issue that we're actively on top of and trying to find an amicable way to deal with that issue. Thanks for the question.
- Councillor Turner: Thank you.
- Councillor Hopkins: Thank you. I'd like to go now to the public if there's anyone that would like to make a comment on this application.
- Heather Lysynski, Committee Clerk: Serge Babenko.
- Serge Babenko: Hi there. Yes. Thank you for allowing me to pose a question. Can you hear me?
- Councillor Hopkins: Yes Mr. Babenko. Please proceed you have up to five minutes.
- Serge Babenko: Okay. Thank you. Just a quick question. I'm a neighbour close by so I received the document. I live on St. James Street. My question is, is this pharmacy a pharmacy that is typically open to the public or is this more of the type of pharmacy, a private pharmacy dedicated to the clients of the doctor's office?



- Councillor Hopkins: We can follow up after the public participation meeting Mr. Babenko and get you an answer to your question. Is there anything else that you would like to ask or comment?
- Serge Babenko: For me and some other neighbours we were just wondering is this, in fact, a change of use to provide it to be a clinic? More of a medical clinic for those who are, for someone who is, like those other clinics in London that have popped up to deal with that need.
- Councillor Hopkins: We'll get an answer to your question. Is there anything else that you would like to say?
- Serge Babenko: No.
- Councillor Hopkins: No.
- Serge Babenko: Thank you.
- Councillor Hopkins: Thank you. Is there anyone else from the public that would like to speak to this application?
- Heather Lysynski, Committee Clerk: I don't see him on the Zoom. Jason Parker are you available?
- Barb Westlake-Power, Deputy City Clerk: Madam Chair, I can confirm that that person has not come in through Zoom.
- Councillor Hopkins: Okay. With that I'll ask if there's anyone else from the public that would like to make a comment? I hear and see none. I will go to Committee Members to close the public participation meeting.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.5 PUBLIC PARTICIPATION MEETING – 1408 Ernest Avenue (Z-9385)

- Councillor Hopkins: With that there is not a staff presentation on this application. It is a conversion from a commercial to residential. I would like to go to the applicant if the applicant is here.
- Jay McGuffin, Monteith Brown Planning Consultants: Good evening, Madam Chair. Jay McGuffin again, Monteith Brown Planning Consultants here on behalf of our client Wagdy Botros who is also in attendance this evening with his architect. This is a fairly simple application. It's an existing commercial building in a, at this point, in the 1989 Official Plan, medium family, medium density residential designation. The proposal is its conversion to residential zoning to allow for the development of nineteen or eighteen residential units on the interior, nine on each floor and a provision of sixty-four parking spaces in the existing parking lot to the rear of the building. Through our planning submission, our clients' architect presented renderings of the redeveloped proposal taking the two-story building and converting it using a glass façade for the improvements to the building providing pedestrian connections to the surrounding street, sidewalk and maintaining the existing built form. The London Plan also designates the residential lands for development through the Neighbourhoods place type and the requested zoning is looking for basically the acknowledgement of the existing setbacks in place four meters, sorry I am just skipping to exactly what we are looking for, four meters for the front yard and four meters to the interior side yard to represent the existing building on the property. To rezone the land it would be in to an R8-4 Special Zone. That is, we are in support of the staff recommendation for approval of the application. We've had an opportunity to review the proposed draft Zoning By-law and concur with the recommendations as they are consistent with our application and planning justification report. I will be available to answer any questions of Committee or the public. Thank you.
- Councillor Hopkins: Thank you Mr. McGuffin. Any technical questions from Committee Members? Councillor Turner.
- Councillor Turner: Thanks Madam Chair. Just a couple of quick ones. It looks like this is basically using the existing form. Is there a requirement for site plan on this or are we just doing the rezoning and that is all that is required because it is using the same footprint?
- Councillor Hopkins: If I can go to staff on that? Do we need a site plan for this?
- Alanna Riley, Senior Planner: Through you Madam Chair no site plan approval is required for this.
- Councillor Hopkins: Councillor Turner.
- Councillor Turner: Okay. Thanks. That leads to the second question. There were two comments from Urban Design, one was with respect to private amenity space, it looks like that might be difficult to accomplish. I am not sure if Mr. McGuffin has an opportunity to comment on that. The second one was that pedestrian connection from the rear to the sidewalk to allow for those connectivity's instead of just to the parking lot. Are those things that can be accommodated or contemplated?
- Councillor Hopkins: Mr. McGuffin.
- Jay McGuffin, Monteith Brown Planning Consultants: Through you Madam Chair to Member Turner, absolutely. I would be speaking out of turn; however, I think I

would have to ask our client's architect to speak in regard to the design related matters. Certainly, from a physical perspective, the installation of the sidewalk is not an issue. There are sidewalks that have been proposed as part of the development submission that extend to the entryways to the various units that will be ground oriented.

- Councillor Turner: Through you Madam Chair thank you Mr. McGuffin. I think the other question probably answers itself but just looking at the proposed form there's probably no opportunities for balconies or anything like that as recommended in the Urban Design comments. Is there any opportunity for any amenity space for the residents of this building?

- Jay McGuffin, Monteith Brown Planning Consultants: Through you Madam Chair there is quite a lot of amenity space. Pre-consultation meeting notes may have been on a different variation of this particular application so the plan that was put forward does provide a significant amount of amenity space both before and after the existing building and then a larger open green space at the back of the building as well so there is a fair amount of green space provided on the site.

- Councillor Hopkins: Councillor Turner.

- Councillor Turner: Thank you very much. I appreciate that.

- Councillor Hopkins: Thank you. I'll go to Councillor Hillier. We are right now on technical questions of the applicant.

- Councillor Hillier: Yes. Thank you. Just to continue the line that Councillor Turner was running with, I'm looking at this and it's showing sixty-four parking spaces and I understand when it was a commercial building it did require that many. Has any thought been given to increasing the green space amenity location because I don't think, I'm looking at eighteen units, that sixty-four spaces, that's a lot of spaces for eighteen units.

- Councillor Hopkins: Mr. McGuffin.

- Jay McGuffin, Monteith Brown Planning Consultants: Thank you Madam Chair. To Councillor Hillier there is a subsequent development proposal being considered going forward for the intensification of the rear portion of the property. That was my comment back to Mr. Turner in the pre-consultation some of the comments provided addressed a more densely developed site plan than the one that was actually landed on and coming forward. There will be an opportunity for intensification on the remainder of the property. At this point in time there has been no consideration in terms of reducing the number of parking spaces should the proponent decide not to proceed with an intensification at the rear of the property in the future then I would anticipate that there would be such a requirement or an ability, pardon me, terms of reducing the amount of parking.

- Councillor Hopkins: Councillor Hillier.

- Councillor Hillier: Yes, thank you. First of all, in case of intensification in the rear of this property how many parking spaces have been allocated for this unit?

- Jay McGuffin, Monteith Brown Planning Consultants: I believe your requirement is one point five spaces per unit so sixteen units times one point five is twenty-four units.

- Councillor Hillier: Okay. Thank you.

- Councillor Hopkins: Thank you. I see no other questions from Committee Members. Technical only. I would like to go now to the public. Is there's anyone here from the public that would like to make comments on this application? I see none. I will ask one more time. If there anyone here that would like to speak, please come forward. I see none. I will go to Committee Members to close the public participation meeting.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.6 PUBLIC PARTICIPATION MEETING – 978 Gainsborough Road (Z-9247)

- Councillor Hopkins: Committee Members I know there has been a request for a referral here, but I would like to proceed with the public participation meeting that we have on hand. We do have a, maybe, a staff presentation. If I can go to staff to proceed. Thank you, Ms. Riley. Any technical questions from Committee Members? Councillor Turner.
- Councillor Turner: Just a quick one. I think Ms. Riley might have mentioned it at the beginning but Mr. Froussios submitted a letter asking for a deferral and indicated that staff was supportive of that. Is, could I just get confirmation of that?
- Alanna Riley, Senior Planner: Through you Madam Chair staff is supportive of the deferral.
- Councillor Turner: Thank you.
- Councillor Hopkins: Thank you. I see no other technical questions. I will move on to the applicant.
- Harry Froussios, Zelinka Priamo Ltd.: Good evening, Madam Chair, Members of the Committee. It's Harry Froussios, Senior Associate with Zelinka Priamo Ltd. before you this evening on behalf of Highland Communities. Thank you for allowing me the opportunity to speak on behalf of my client this afternoon. I'll be brief. I just wanted to start off by thanking staff for their efforts. Unfortunately, we don't always agree with staff, with the recommendations. The recommendation before you is proof of that but we certainly recognize and appreciate their efforts in processing these applications, especially under the challenging times that we are still faced with over the last couple of years. The request for referral before you this evening is to allow more discussion with staff regarding a revised development proposal for the subject lands and includes some element of bonusing in exchange for community benefits such as affordable housing. As was mentioned, the site is currently designated in the 1989 Official Plan and is zoned to permit a high-rise apartment building up to fifty meters, approximately fifteen storeys high and a density of up to one hundred fifty units per hectare. Based on the City's desire for the creation of more affordable housing units in our community, our client saw this as an opportunity to increase the height and density permissions for these lands in exchange for affordable housing units as well as public daycare space and contributions for local park improvements. As we're all aware, the principle mechanism currently in place to secure affordable housing from the private development community is through bonusing of additional height and/or density beyond what the current OP Official Plan policies and zoning allow for and while our current, our client currently remains willing to provide these community benefits as part of the ultimate development scheme for these lands it should be noted that there is no requirement to provide any of these benefits under the current zoning permissions. We acknowledge and appreciate staff's efforts on this application. It was pointed out to us early in the process that the proposed height might not be supported and through subsequent back and forth discussions there was no indication that any level of intensification or bonusing could be supported and that it would ultimately be left up to Council to either support it or refer it back for more discussion; however, based on recent events and outcomes of a similar application that was brought forward by our firm we are hesitant to proceed with a PEC recommendation on that basis and feel that more discussions are warranted to give, prior to PEC providing a recommendation on this application. Notwithstanding staff's recommendation to refuse the current design, we believe there is merit in having more discussions with staff to come up with a revised design that would allow our client to

achieve some additional intensification that is in keeping with existing high rise built form in the area and still be able to provide the city with the community benefits that have been mentioned. I want to thank staff for taking the time over this past week to discuss this matter with us more thoroughly and agreed to work with us towards providing an appropriate development scheme and avoid what I believe is a missed opportunity to provide a benefit to both the city and our client. We are confident that a mutually agreed upon development proposal can be reached and we look forward to Planning Committee's referral of the application back to staff. Again, Madam Chair thank you for the time to present on behalf of our client and I'm able to answer any questions you may have. Thank you.

- Councillor Hopkins: Thank you and I would like to move on to Councillor Turner. Technical questions.
- Councillor Turner: Yes. Thank you, Madam Chair. Perhaps through you to Mr. Froussios it's my understanding that affordable housing could be incorporated into any building design and an applicant could work with the Housing Development Corporation to incorporate that. Why does that need to be in the context of bonusing?
- Harry Froussios, Zelinka Priamo Ltd.: Through you Madam Chair that, it's one of the mechanisms that is available to us right now to encourage affordable housing. I mean this development could have affordable housing regardless of the bonusing approach but it wasn't something that we have brought forward on behalf of this client or other clients as sort of an opportunity to be able to get more intensity on a property in exchange for the affordable housing units.
- Councillor Turner: Thank you.
- Councillor Hopkins: Councillor Turner.
- Councillor Turner: Okay. Thanks. That leads to the second question. There were two comments from Urban Design, one was with respect to private amenity space, it looks like that might be difficult to accomplish. I am not sure if Mr. McGuffin has an opportunity to comment on that. The second one was that pedestrian connection from the rear to the sidewalk to allow for those connectivity's instead of just to the parking lot. Are those things that can be accommodated or contemplated?
- Councillor Hopkins: Thank you. I see no other questions from Committee. I would like to go to the public if there's anyone here from the public that would like to make comments on this application. I would like to go to Committee Rooms 1 and 2. Please come forward, keeping your mask on and just if you can give us your name and address if you wish and you have up to five minutes. Please proceed.
- Paul Rachar, 1030 Coronation Drive: I don't represent the Board necessarily or anybody on the Board or others in the building but my unit looks directly over the proposed development and I look over that property and to me everything that they say that they want out of here and reduced spaces and stuff like that like I just and I look at their planned development and I say they are trying to shoe horn a size nine foot into a size six shoe basically. There's no room for this place and when they built that commercial development just off Gainsborough to the North I remember they hauled in a real large amount of granular fill before they built the building and they pushed all the water to the South and the property parcel that we're talking about is basically a swamp right now so I can imagine only that they'd have to haul in a bunch of more fill and that to build this structure, a super high structure. The drainage, this water, is it going to get pushed back onto our property now? What kind of access are they looking at to get to this place off of Coronation or wherever, off of Gainsborough I don't know how they get to it but in any event all of the setback concessions that the city might be considering to me I just can't see it. Thank you.

- Councillor Hopkins: Thank you sir and we did not get your name. If you could just come forward to the microphone again and state your name please.
- Paul Rachar: Paul R a c h a r.
- Councillor Hopkins: Thank you Mr. Rachar. Is there anyone else from the public that would like to make a comment on this application? I'll ask one more time if there's anyone else from the public that would like to make comments please come forward. I see none so I will go to the Committee to close the public participation meeting.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.7 PUBLIC PARTICIPATION MEETING – 414-418 Old Wonderland Road (SPA20-103)

- Councillor Hopkins: I will look to staff for a brief presentation. I know when this came to us originally it was a bit contentious, and I think it will warrant a brief presentation. Thank you, Ms. Vivian. Any technical questions? I see none. I will go to the applicant if the applicant is here.
- Colin McClure: Hello Madam Chair. Can you hear me?
- Councillor Hopkins: Yes Mr. McClure.
- Yes. Colin McClure with 414. I don't have a whole lot to add to Melanie Vivian's presentation there. I think she has addressed all of the major concerns appropriately and I'm just happy to be on the invite here and to answer any questions that yourself or members of the Committee or the public might have. Thank you very much.
- Councillor Hopkins: Thank you Mr. McClure. Any technical questions? I see none I will go to the public. If there's anyone here from the public that would like to make comments. I hear and see none. I'll ask one more time. If there's anyone that would like to make comments to this application. I see none. With that I will go to Committee members. Councillor Turner to close the PPM.
- Councillor Turner: Madam Chair, if I may. I see somebody identified for 3.7 Harry Goossens. Is he with the applicant or is he one of the community members?
- Harry Goossens: I am with the applicant.
- Councillor Turner: Okay. Thanks. I just wanted to be sure.
- Councillor Hopkins: Thank you. With that I would like to close the public participation meeting.



## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.8 PUBLIC PARTICIPATION MEETING – Environmental Management Guidelines

- Councillor Hopkins: I would like to go to staff for a presentation. Thank you, Ms. Williamson. I'd like to go to Committee Members if they've got any technical questions for staff? I see none. I would like to now go to the public.
- Heather Lysynski, Committee Clerk: Sandy Levin, Chair, Environmental and Ecological Planning Advisory Committee.
- Councillor Hopkins: Mr. Levin. Welcome.
- Sandy Levin, Chair, Environmental and Ecological Planning Advisory Committee: Thank you Madam Chair and Members of Committee. I want to start by thanking staff for being involved and leading this very extensive process but it's the right process for a document that is important to the municipality in so many ways and I encourage you to adopt this guideline document. The other piece that I'd like to recommend that the Committee add to the recommendation is that the bi-annual update that's referred to in the staff report be added to your deferred list. Having been around as long as I have, I know that once it's on a deferred list it then gets the attention it deserves. I know staff have already put it into their work plan for 2023 but I think it would be appropriate for this Committee to add it to its deferred list. Other than that, Madam Chair, again I want to thank staff, the consultants, we've come a long way and it might be a precedent that both EEPAC and LDI are in the same place. We urge you to adopt and we look forward to the bi-annual review. Thank you, Madam Chair.
- Councillor Hopkins: Thank you.
- Heather Lysynski, Committee Clerk: Brendon Samuels.
- Brendon Samuels: Hi. Can you hear me?
- Councillor Hopkins: Yes.
- Brendon Samuels: Excellent. Thanks. Sorry I'm just calling from the road. I want to echo Sandy's comments. I have been working with EEPAC on the review of the Environmental Management Guidelines for a few years now. I want to thank staff for all of the work that they did and for including us in the process. The guidelines definitely strengthen protection for the natural heritage system compared to their 2007 predecessor. I would urge the Planning Committee to adopt the current draft of the Environmental Management Guidelines. I would also suggest that given that we are incorporating the language into the guidelines we're not going to know how effective the updated input is until the guidelines are put in place so I would suggest that it be recommended that this be revisited in the future and that the regular follow-up from staff to comment on how the implementation of the updated guideline is going. I would also like to ask the city if they can verify with staff the nature of a certain piece of the guidelines specifically the use of citizen science data. I included a letter in the meeting agenda about why this is important. In Appendix C, Data Collection Standards, it says "It is recommended that reputable citizen science data sources, such as iNaturalists and the Ontario Reptile and Amphibian Atlas, be reviewed when conducting a background review to supplement data obtained by the consultant team." I would like to clarify whether this means that reviewing citizen science data sources is optional or if it is expected and required. The reason this is important is because when consultants go out and do studies they only get a snapshot of what exists in a given study area. The species that are present, the features and function and there are now with today's technology databases contributed by the public we have records

going back many years [inaudible]. I would like to clarify whether reviewing those data sets is something that is expected of [inaudible] because I think it would only contribute more data to make these studies [inaudible]. Thank you.

- Councillor Hopkins: Thank you Mr. Samuels.
- Heather Lysynski, Committee Clerk: Mike Wallace.
- Councillor Hopkins: Mr. Wallace welcome.
- Mike Wallace, London Development Institute: It's Mike Wallace I'm the representative of LDI. I've been here many times. I wore my green tie tonight because environmental guidelines I thought I would look the part at least any way. Listen, I am also here, there was a letter we put forward in support of the guidelines as presented to be adopted. First of all I also want to thank staff they did include us and the Home Builders Association actively in discussing the present guidelines, future guidelines, the guidelines that you see in front of you. I'm assuming Emily Williamson will be glad she won't be hearing from me again for a while. I do appreciate all of the effort that went into this because these guidelines were from 2007, that's 15 years ago. There's a lot of work involved, you had obviously the issues with the Covid challenge and making sure we got this done so we do appreciate that. A few things in here that we do appreciate, let's be frank, we didn't agree with everything that's in here. I have ten pages of changes that we wanted that we didn't get, we got some of them but there were things we wanted but what was missing and what we are looking for is what the previous speakers talked about is an opportunity to review this and it's every other year at this point and as we review the Design Manual I don't know if you know this but we reviewed the Design Manual every year. We think this kind of document, these are guidelines that need to be, that are going to be part of The London Plan. They need to be reviewed, science changes and we need to make sure we know what's working and what isn't working. We are fully supportive of protecting and helping the natural heritage in London. This document affects our industry 100%. We are the implementers of the Design Guidelines. The development, it says right in there, it's for development, it's for the development community on how they should operate with the natural heritage that is here in London. We like the changes that are happening in terms of there's an opportunity for compensation that wasn't in the previous document, there are improvements to monitoring. We are supportive, not necessarily agreeing with everything but we are supportive of an update that was well overdue. We appreciate staff's effort; we appreciate the recognition that this needs to be done on a more regular basis and I can guarantee we will be at the table giving you our input as we did this time and again thank you for putting this together and making it happen and we look forward to working with you guys in the future. Thanks.
- Councillor Hopkins: Thank you Mr. Wallace. Is there anyone else from the public that would like to make a comment? I see none. I will ask one more time if there's anyone from the public that would like to make comments? I see none. With that Committee I would like to close the public participation meeting.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.9 PUBLIC PARTICIPATION MEETING – 50 King Street – Demolition Request

- Councillor Hopkins: I will look to staff for a brief presentation. Thank you, Mr. Gonyou. Any technical questions from Committee Members? I see none. I will go to the applicant. If the applicant is not here, I would like to go to the public.
- Heather Lysynski, Committee Clerk: Kelley McKeating.
- Kelley McKeating, Architectural Conservancy of Ontario, London Region: Thank you. You can hear me?
- Councillor Hopkins: Yes, we can.
- Kelley McKeating, Architectural Conservancy of Ontario, London Region: Okay. The mandate of the Architectural Conservancy of Ontario is to work to protect the best examples of Ontario's architectural heritage and also to protect its places of natural beauty and specific to London region, that is what ACO London works towards. The building at 50 King Street, excuse me, is not as Mr. Gonyou said, it's not an outstanding example of architecture, of any era even though it does have some important municipal and county significance. We're expecting that both this Committee and Council will accept the staff's recommendation to approve the demolition request and we don't object to that but what we would like to state our support for is the staff's recommendation to require an appropriate temporary landscape plan. The County Courthouse is a beautiful building surrounded by grass, surrounded by trees and that parklike setting would be detracted from if there was a parking lot or something put in place of that building so hopefully that condition will be put on the demolition application. The other thing that the ACO would like to ask about is in the past City Council has on occasion made an approved site plan for replacement building a condition for the demolition. That's probably not something that Council would be interested in entertaining at this juncture given the uncertainty of the timeline given the property owner's plans for that site but just in general I wanted to remind that that has been done in the past. I thank you for listening to my comments.
- Councillor Hopkins: Thank you Ms. McKeating. Is there anyone else from the public that would like to speak to this demolition request? I hear and see none. With that I would like to go to Committee Members to close the public participation meeting.

# Community and Protective Services Committee

## Report

1st Meeting of the Community and Protective Services Committee  
December 14, 2021

PRESENT: Councillors M. Cassidy (Chair), J. Helmer, M. Hamou, S. Hillier,  
Mayor E. Holder

ABSENT: M. Salih

ALSO PRESENT: J. Bunn and J. Taylor

Remote Attendance: Councillors J. Fyfe-Millar and M. van Holst;  
L. Livingstone; K. Dickins, O. Katolyk, G. Kotsifas, E. Lane, H.  
Lysynski, J.P. McGonigle, M. Schulthess, G. Smith, J. Tansley  
and B. Westlake-Power

The meeting was called to order at 4:06 PM; it being noted that  
the following Members were in remote attendance: Mayor E.  
Holder; Councillors J. Helmer and S. Hillier

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

#### 1.2 Election of Vice-Chair for the term ending November 14, 2022

Moved by: M. Cassidy (Chair)

Seconded by: E. Holder

That Councillor J. Helmer BE ELECTED Vice-Chair of the Community and  
Protective Services Committee for the term ending November 14, 2022.

Yeas: (5): M. Cassidy (Chair), J. Helmer, M. Hamou, S. Hillier, and E.  
Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

### 2. Consent

Moved by: S. Hillier

Seconded by: J. Helmer

That Items 2.1 to 2.5 BE APPROVED.

Yeas: (5): M. Cassidy (Chair), J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

#### 2.1 9th Report of the Accessibility Advisory Committee

Moved by: S. Hillier

Seconded by: J. Helmer

That the 9th Report of the Accessibility Advisory Committee, from the meeting held on November 25, 2021, BE RECEIVED.

**Motion Passed**

2.2 Agreement for London and Middlesex Local Immigration Partnership with Immigration, Refugees and Citizenship Canada

Moved by: S. Hillier

Seconded by: J. Helmer

That, on the recommendation of the City Manager, the proposed by-law as appended to the staff report, dated December 14, 2021, with respect to an Agreement for London and Middlesex Local Immigration Partnership with Immigration, Refugees and Citizenship Canada, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to:

- a) authorize and approve the Contribution Agreement for the London and Middlesex Local Immigration Partnership between Her Majesty the Queen in Right of Canada, as represented by the Minister of Immigration, Refugees and Citizenship Canada and The Corporation of the City of London, substantially in the form appended to the above-noted by-law;
- b) authorize the Mayor and the City Clerk to execute the above-noted Contribution Agreement for the London and Middlesex Local Immigration Partnership;
- c) delegate authority to the City Manager, or written designates, to approve and execute any further amendments to the London and Middlesex Local Immigration Partnership Contribution Agreement if the amendments are substantially in the form of the above-note Contribution Agreement; and,
- d) delegate authority to the City Manager, or written designates, to undertake all the administrative, financial and reporting acts, including signing authority regarding application forms for funding, budgets, cash flows, other financial reporting including financial claims and directions, consents and other authorizations as may be required, provided that the monetary amounts do not exceed the maximum amount of Canada's contribution specified in the Contribution Agreement that are necessary in connection with the above-noted Contribution Agreement. (2021-S15)

**Motion Passed**

2.3 Administrative Monetary Penalties - Application to Municipal By-laws and Housekeeping Amendments

Moved by: S. Hillier

Seconded by: J. Helmer

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the staff report dated December 14, 2021, related to Administrative Monetary Penalties – Application to Municipal By-laws and Housekeeping Amendments:

- a) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend By-law A-54, as amended, for the purpose of applying the Administrative Monetary Penalties System By-law to various municipal by-laws;

- b) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend By-law PS-112, referred to as the Off-Street Residential Parking By-law, to add a new section in Part 6;
- c) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend By-law PH-15, referred to as the Idling Control By-law, to add a new section in Part 4;
- d) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend By-law C.P.-1555-252, referred to as the Tree Protection By-law, to add a new section in Part 14; and,
- e) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend By-law CP-22, referred to as the Boulevard Tree Protection By-law, to add a new section in Part 9. (2021-C01)

**Motion Passed**

2.4 Single Source (SS21-49) Reaching Home Capital Projects

Moved by: S. Hillier

Seconded by: J. Helmer

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following actions be taken with respect to the staff report dated December 14, 2021, related to Single Source (SS21-49) Reaching Home Capital Projects:

- a) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to:
  - i) authorize and approve the standard form Reaching Home: Canada's Homelessness Strategy Sub-Project Funding Agreement, to be entered into between the City of London and such entities who have been selected for funding for their sub-projects in accordance with the City's funding Agreement with Canada, substantially in the form appended to the above-noted by-law;
  - ii) delegate authority, jointly and severally, to the Deputy City Manager, Social and Health Development, and their written designates, the discretionary power to insert the applicable required information in the above-noted Sub-Project Funding Agreement;
  - iii) delegate discretionary power to the Deputy City Manager, Social and Health Development, to approve the above-noted Agreement with the details inserted in subparagraph 2(a), and execute agreements which employ this form on the condition that the exercise of such powers is consistent with the Reaching Home: Canada's Homelessness Strategy guidelines and applicable agreements with Canada, and that the exercise of such powers does not require additional funding or is provided for in the City's current budget, and that does not increase the indebtedness or contingent liabilities of the City, subject to prior review and approval by the Manager of Risk Management;
  - iv) delegate discretionary power to the Deputy City Manager, Social and Health Development, and their written designates, jointly and severally, to authorize and approve such further and other documents, including amending agreements, that may be required in furtherance of the City of London's agreements with organizations that are consistent with the Reaching Home: Canada's Homelessness Strategy guidelines and applicable agreements with Canada and requirements contained in the

standard form Sub-Project Funding Agreement approved in the above-noted by-law, and that do not require additional funding or are provided for in the City's current budget, and that do not increase the indebtedness or contingent liabilities of the City, subject to prior review and approval by the Manager of Risk Management; and,

v) delegate authority to the Deputy City Manager, Social and Health Development to execute such documents, including the above-noted amendments agreements;

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

c) the approval given, herein, BE CONDITIONAL upon The Corporation of the City of London entering into and/or amending Purchase of Service Agreements and/or Contribution Agreement with Agencies outlined in the above-noted staff report; and,

d) the Overview of Reaching Home Capital Project Funding Allocations, as appended to the above-noted staff report, BE RECEIVED. (2021-S11/F11A)

### **Motion Passed**

#### **2.5 Housing Stability Services - Housing Stability Bank Single Source Procurement SS21-48**

Moved by: S. Hillier

Seconded by: J. Helmer

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following actions be taken with respect to the staff report dated December 14, 2021, related to Housing Stability Services - Housing Stability Bank Single Source Procurement SS21-48:

a) for Housing Stability Bank services, a funding agreement extension BE APPROVED for the existing Purchase of Service Agreement with The Salvation Army at a total estimated amount of \$450,000 (excluding HST), effective as of December 22, 2021 to March 31, 2022, as per The Corporation of the City of London Procurement Policy Section 14.4.d;

b) the Civic Administration BE AUTHORIZED to undertake all administrative acts necessary to wind down the current Housing Stability Bank, including transitioning client interest free loan program to a grant program for the period of January 1, 2022 to March 31, 2022; and,

c) the approval given, herein, BE CONDITIONAL upon The Corporation of the City of London entering into and/or amending a Purchase of Service Agreement with The Salvation Army Centre of Hope. (2021-S11)

### **Motion Passed**

#### **3. Scheduled Items**

None.

#### **4. Items for Direction**

None.

#### **5. Deferred Matters/Additional Business**

##### **5.1 Deferred Matters List**

Moved by: S. Hillier

Seconded by: M. Hamou

That the Deferred Matters List for the Community and Protective Services Committee, as at December 6, 2021, BE RECEIVED.

Yeas: (5): M. Cassidy (Chair), J. Helmer, M. Hamou, S. Hillier, and E. Holder

Absent: (1): M. Salih

**Motion Passed (5 to 0)**

**6. Confidential**

None.

**7. Adjournment**

The meeting adjourned at 4:14 PM.



# Corporate Services Committee

## Report

1st Meeting of the Corporate Services Committee  
December 13, 2021

PRESENT: Councillors S. Lewis (Chair), M. Cassidy, J. Morgan, M. Hamou,  
J. Fyfe-Millar, Mayor E. Holder

ALSO PRESENT: S. Corman, J. Taylor, B. Westlake-Power  
Remote Attendance: Councillor S. Hillier, L. Livingstone, A.  
Barbon, B. Card, J. Davison, O. Katolyk, G. Kotsifas, D.  
MacRae, R. Morris, M. Schulthess, M. Stone, B. Warner  
The meeting is called to order at 12:01 PM; it being noted that  
the following members were in remote attendance: Mayor E.  
Holder and Councillors M. Cassidy and J. Morgan.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

#### 1.2 Election of Vice Chair for the term ending November 14, 2022

Moved by: J. Morgan  
Seconded by: E. Holder

That Councillor J. Fyfe-Millar BE APPOINTED Vice Chair for the term  
ending November 14, 2022.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and  
E. Holder

**Motion Passed (6 to 0)**

### 2. Consent

#### 2.1 Restricted Acts of Council After Nomination Day and Voting Day

Moved by: M. Cassidy  
Seconded by: M. Hamou

That, on the recommendation of the City Clerk, the staff report with  
respect to restricted acts of Council after Nomination Day and Voting Day,  
in accordance with section 275 of the *Municipal Act, 2001*, as amended,  
BE RECEIVED for information.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and  
E. Holder

**Motion Passed (6 to 0)**

### 3. Scheduled Items

None.

**4. Items for Direction**

4.1 (ADDED) WITHDRAWN - Request for Delegation Status - AM Valastro - Public Notice Amendment

Moved by: M. Hamou  
Seconded by: J. Fyfe-Millar

That the communication from AM Valastro and the delegation from B. Benedict, with respect to an amendment to the public notice policy, BE RECEIVED;

it being noted that the original delegation request from AM Valastro was withdrawn.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: E. Holder  
Seconded by: M. Cassidy

Motion to Approve the delegation of B. Benedict, to be heard at this time.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

**5. Deferred Matters/Additional Business**

5.1 (ADDED) 2021 Accessibility Compliance Report

Moved by: M. Cassidy  
Seconded by: J. Fyfe-Millar

That, on the recommendation of the Director, Anti-Racism and Anti-Oppression, and the concurrence of the City Manager, the staff report dated December 13, 2021 regarding the 2021 Accessibility Compliance Report BE RECEIVED for information purposes.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

**6. Confidential (Enclosed for Members only.)**

Moved by: J. Fyfe-Millar  
Seconded by: E. Holder

That the Corporate Services Committee convene, In Closed Session, with respect to the following matter:

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

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is

subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

**Motion Passed (6 to 0)**

The Corporate Services Committee convenes, In Closed Session, from 12:35 PM to 12:45 PM.

**7. Adjournment**

Moved by: J. Fyfe-Millar

Seconded by: M. Hamou

That the meeting BE ADJOURNED.

**Motion Passed**

The meeting adjourned at 12:47 PM.

# Strategic Priorities and Policy Committee Report

1st Meeting of the Strategic Priorities and Policy Committee - BUDGET  
December 2, 2021

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

**ALSO PRESENT:** M. Schulthess, K. Van Lammeren, B. Westlake-Power  
Remote Attendance: L. Livingstone, A. Barbon, G. Barrett, B. Card, K. Clarke, J. Davison, J. Davies, K. Dickins, A. Dunbar, M. Galczynski, O. Katolyk, G. Kotsifas, R. Lamon, D. MacRae, J. Millson, M. Liu, K. Murray, K. Scherr, C. Smith, S. Stafford, J. Stanford, J. Taylor.  
The meeting is called to order at 9:34 AM; it being noted that the following members were in remote attendance: Mayor E. Holder; Councillors M. van Holst, M. Salih, P. Van Meerbergen and S. Hillier.

## 1. Disclosures of Pecuniary Interest

Councillor S. Turner discloses a pecuniary interest specific to items 4.8, 4.9 and 4.10, with respect to any direct connection(s) to the London Public Library (LPL), by indicating that his wife is an LPL employee.

Councillor J. Helmer discloses a pecuniary interest specific to items 4.8 and 4.9 with respect to any direct connection(s) to the municipal golf system by indicating that his father employed by golf course owners association of which the City of London is a member.

## 2. Consent

None.

## 3. Scheduled Items

### 3.1 (ADDED) 2022 Annual Budget Update Presentation

Moved by: S. Lehman

Seconded by: J. Fyfe-Millar

That the overview presentation, as appended to the added agenda, by the Deputy City Manager, Finance Supports with respect to the 2022 Budget Update BE RECEIVED.

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

**Motion Passed (15 to 0)**

## 4. Items for Direction

### 4.1 Review of Recommended Property Tax Operating Budget Amendments (2022-2023 totals rounded to the closest \$1,000)

That the following actions be taken with respect to the 2022 Annual Budget Update:

- a) Case #P-1 - Various Services - Budget Right Sizing - Operating

Expenditure (\$4,982,000); Tax Levy (\$6,994,000) BE APPROVED;

b) Case #P-2 - Middlesex London Health Unit - Inflationary Pressures - Operating Expenditure \$1,280,000; Tax Levy \$1,280,000 BE APPROVED;

c) Case #P-3 - RBC Place London - Funding Support - Operating Expenditure \$850,000; Tax Levy \$0 BE APPROVED;

d) Case #P-4 - Private Parking Enforcement - Increased Fines - Operating Expenditure \$0; Tax Levy (\$200,000) BE APPROVED;

e) Case #P-5 - Child Care and Ontario Works - Reduction in Required Investment - Operating Expenditure (\$2,773,000); Tax Levy (\$2,773,000) BE APPROVED; and,

f) Case #P-6 - Infrastructure Gap and Community Building Projects - Reductions - Operating Expenditure (\$1,300,000); Tax Levy (\$1,300,000) BE APPROVED.

**Motion Passed**

Voting Record:

Moved by: M. Hamou

Seconded by: M. Cassidy

a) Case #P-1 - Various Services - Budget Right Sizing - Operating Expenditure (\$4,982,000); Tax Levy (\$6,994,000) BE APPROVED;

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

**Motion Passed (15 to 0)**

Moved by: M. Cassidy

Seconded by: S. Lehman

b) Case #P-2 - Middlesex London Health Unit - Inflationary Pressures - Operating Expenditure \$1,280,000; Tax Levy \$1,280,000 BE APPROVED;

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

Nays: (2): S. Lewis, and S. Hillier

**Motion Passed (13 to 2)**

Moved by: J. Fyfe-Millar

Seconded by: Mayor E. Holder

c) Case #P-3 - RBC Place London - Funding Support - Operating Expenditure \$850,000; Tax Levy \$0 BE APPROVED

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

**Motion Passed (15 to 0)**

Moved by: S. Lewis  
Seconded by: J. Fyfe-Millar

d) Case #P-4 - Private Parking Enforcement - Increased Fines - Operating Expenditure \$0; Tax Levy (\$200,000) BE APPROVED;

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

**Motion Passed (15 to 0)**

Moved by: M. Cassidy  
Seconded by: S. Lewis

e. Case #P-5 - Child Care and Ontario Works - Reduction in Required Investment - Operating Expenditure

Case #P-5a – Child Care - Operating Expenditure (\$1,630,000); Tax Levy (\$1,630,000)

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

Nays: (1): J. Helmer

Recuse: (1): P. Van Meerbergen

**Motion Passed (13 to 1)**

Moved by: M. Cassidy  
Seconded by: S. Lewis

e. Case #P-5 - Child Care and Ontario Works - Reduction in Required Investment

Case #P-5b – Ontario Works - Operating Expenditure (\$1,143,000); Tax Levy (\$1,143,000)

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

Nays: (1): J. Helmer

**Motion Passed (14 to 1)**

Moved by: S. Lewis  
Seconded by: S. Lehman

f) Case #P-6 - Infrastructure Gap and Community Building Projects - Reductions - Operating Expenditure (\$1,300,000); Tax Levy (\$1,300,000) BE APPROVED.

Yeas: (10): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, P. Van Meerbergen, and J. Fyfe-Millar

Nays: (5): J. Helmer, A. Hopkins, S. Turner, E. Pelozza, and S. Hillier

**Motion Passed (10 to 5)**

Moved by: S. Lewis  
Seconded by: S. Lehman

That a recess BE APPROVED.

**Motion Passed**

The Strategic Priorities and Policies Committee recessed at 11:18 AM and resumes at 11:32 AM.

4.2 2021 Middlesex-London Health Unit Funding Request

Moved by: J. Fyfe-Millar  
Seconded by: M. Cassidy

That the 2021 Middlesex-London Health Unit additional funding request in the amount of \$640,233 BE RECEIVED and no action be taken with respect to the request; it being noted that the Strategic Priorities and Policy Committee received a verbal update from K. Murray, noting that the request was no longer required.

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

**Motion Passed (15 to 0)**

4.3 Review of For Consideration Property Tax Operating Budget Amendments (2022-2023 totals rounded to the closest \$1,000)

That the following actions be taken with respect to the 2022 Annual Budget Update:

a) Case #P-7 - Neighbourhood Strategic Initiatives and Funding and Sports Services - Reduction to Neighbourhood and Athletic Travel Grant Programs - Operating Expenditure (\$200,000); Tax Levy (\$200,000)

i. Case #P-7a – Neighbourhood Decision Making Program - NOT SUPPORTED

ii. Case #P-7b – Neighbourhood Small Events Fund - NOT SUPPORTED

iii. Case #P-7c – Athletic Travel Grants - Operating Expenditure (\$200,000); Tax Levy (\$200,000); and,

b) Case #P-8 - Parks Planning and Design, Parks and Horticulture and Urban Forestry - Naturalization and Reduction in Tree Trimming - Operating Expenditure (\$516,000); Tax Levy (\$516,000) BE APPROVED.

**Motion Passed**

Voting Record:

Moved by: S. Lewis  
Seconded by: J. Fyfe-Millar

That Case #P-7a BE APPROVED:

Case #P-7 - Neighbourhood Strategic Initiatives and Funding and Sports Services - Reduction to Neighbourhood and Athletic Travel Grant Programs - Operating Expenditure (\$470,000); Tax Levy (\$470,000)

i. Case #P-7a – Neighbourhood Decision Making Program - Operating Expenditure (\$250,000); Tax Levy (\$250,000)

Yeas: (3): M. Salih, P. Van Meerbergen, and J. Fyfe-Millar

Nays: (12): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozza, and S. Hillier

**Motion Failed (3 to 12)**

Moved by: S. Lewis  
Seconded by: E. Pelozza

That Case #P-7b BE APPROVED:

ii. Case #P-7b – Neighbourhood Small Events Fund - Operating Expenditure (\$20,000); Tax Levy (\$20,000)

Yeas: (5): M. van Holst, S. Lewis, S. Lehman, P. Van Meerbergen, and E. Pelozza

Nays: (10): Mayor E. Holder, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, A. Hopkins, S. Turner, J. Fyfe-Millar, and S. Hillier

**Motion Failed (5 to 10)**

Moved by: J. Fyfe-Millar  
Seconded by: M. Hamou

That Case #P-7c BE APPROVED:

iii. Case #P-7c – Athletic Travel Grants - Operating Expenditure (\$200,000); Tax Levy (\$200,000)

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

Nays: (2): M. Salih, and S. Turner

**Motion Passed (13 to 2)**

Moved by: J. Fyfe-Millar  
Seconded by: A. Hopkins

That part b) BE APPROVED:

b. Case #P-8 - Parks Planning and Design, Parks and Horticulture and Urban Forestry - Naturalization and Reduction in Tree Trimming - Operating Expenditure (\$516,000); Tax Levy (\$516,000)



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

Nays: (1): M. Salih

**Motion Passed (14 to 1)**

Moved by: M. van Holst

Seconded by: S. Hillier

That a recess BE APPROVED.

**Motion Passed**

The Strategic Priorities and Policy Committee recesses at 12:53 PM, and resumes at 1:30 PM.

4.4 Review of Recommended Property Tax Capital Budget Amendments (2022-2023 totals rounded to the closest \$1,000)

That the following actions be taken with respect to the 2022 Annual Budget Update:

- a) Case #P-9 - Invasive Species Management - Capital - Capital Expenditure \$750,000; Tax Levy \$0 BE APPROVED;
- b) Case #P-10 - Transportation - Capital Project Adjustments -Capital Expenditure \$9,191,000; Tax Levy \$0 BE APPROVED;
- c) Case #P-11 - Long-term Disposal Capacity - Revised Costs -Capital Expenditure \$1,720,000; Tax Levy \$0 BE APPROVED; and,
- d) Case #P-12 - LTC - Zero Emission Buses - Capital Expenditure\$25,960,000; Tax Levy \$0 BE APPROVED.

Voting Record:

Moved by: S. Lehman

Seconded by: A. Hopkins

That the following actions be taken with respect to the 2022 Annual Budget Update:

- a) Case #P-9 - Invasive Species Management - Capital - Capital Expenditure \$750,000; Tax Levy \$0 BE APPROVED;

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

**Motion Passed (15 to 0)**

Moved by: J. Fyfe-Millar

Seconded by: S. Hillier

- b) Case #P-10 - Transportation - Capital Project Adjustments -Capital Expenditure \$9,191,000; Tax Levy \$0 BE APPROVED;

- i) TS-1496 – Sunningdale Road Project - Capital Expenditure \$4,791,000; Tax Levy \$0

ii) TS1629-1 – Southdale Road West - Capital Expenditure \$1,400,000; Tax Levy \$0

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

**Motion Passed (15 to 0)**

Moved by: J. Fyfe-Millar

Seconded by: S. Hillier

b) Case #P-10 - Transportation - Capital Project Adjustments -Capital Expenditure \$9,191,000; Tax Levy \$0 BE APPROVED;

iii) TS1355-1 – Wharnccliffe Road Grade Separation Project - Capital Expenditure \$3,000,000; Tax Levy \$0

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

Nays: (1): J. Helmer

**Motion Passed (14 to 1)**

Moved by: M. Hamou

Seconded by: J. Fyfe-Millar

c) Case #P-11 - Long-term Disposal Capacity - Revised Costs -Capital Expenditure \$1,720,000; Tax Levy \$0 BE APPROVED; and,

d) Case #P-12 - LTC - Zero Emission Buses - Capital Expenditure\$25,960,000; Tax Levy \$0 BE APPROVED.

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

**Motion Passed (15 to 0)**

#### 4.5 Reserves and Reserve Funds Overview

Moved by: J. Morgan

Seconded by: S. Lehman

That the Reserves and Reserve Funds Overview BE RECEIVED for information; it being noted projections are subject to annual review and adjustment.

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

**Motion Passed (15 to 0)**

#### 4.6 Debt Overview

Moved by: J. Fyfe-Millar

Seconded by: J. Helmer

That the Debt Overview BE RECEIVED for information.

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

**Motion Passed (15 to 0)**

4.7 Reconciliation of the Draft Property Tax Budget to the Public Sector Accounting Board Budget

Moved by: M. Hamou  
Seconded by: S. Hillier

That the reconciliation of the draft Property Tax Budget to the Public Sector Accounting Board financial statement budget BE RECEIVED for information.

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

**Motion Passed (15 to 0)**

4.8 Operating Budget

Moved by: S. Lewis  
Seconded by: S. Lehman

That in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the operating budget (Appendix A):

- a) the amended 2022 operating budget BE READOPTED in the gross expenditure amounts as follows:
  - i. the amended 2022 operating budget for London Public Library BE APPROVED in the gross expenditure amount of \$21,741,937 and the tax levy amount of \$21,741,937;
  - ii. the amended 2022 operating budget for Children's Services BE APPROVED in the gross expenditure amount of \$58,666,453 and the tax levy amount of \$7,145,081;
  - iii. the amended 2022 operating budget for Golf BE APPROVED in the gross expenditure amount of \$3,740,834 and the tax levy amount of \$57,062;
  - iv. the amended 2022 operating budget, excluding London Public Library, Children's Services, and Golf BE APPROVED in the gross expenditure amount of \$989,370,443 and the tax levy amount of \$672,905,283 after recognizing \$9,430,132 of increased taxation from assessment growth;

it being noted that the amended total 2022 operating budget being readopted is the gross expenditure amount of \$1,073,519,667 and the tax levy amount of \$701,849,363 after recognizing \$9,430,132 of increased taxation from assessment growth;

- b) the amended 2023 operating budget BE READOPTED as follows:
  - i. the amended 2023 operating budget for London Public Library BE APPROVED in the gross expenditure amount of \$22,128,694 and the tax levy amount of \$22,128,694;
  - ii. the amended 2023 operating budget for Children's Services BE APPROVED in the gross expenditure amount of \$60,815,173 and the tax

levy amount of \$8,835,703;

iii. the amended 2023 operating budget for Golf BE APPROVED in the gross expenditure amount of \$3,787,965 and the tax levy amount of \$75,564;

iv. the amended 2023 operating budget, excluding London Public Library, Children’s Services, and Golf BE APPROVED in the gross expenditure amount of \$1,012,085,786 and the tax levy amount of \$698,023,097;

it being noted that the amended total 2023 operating budget being readopted is in the gross expenditure amount of \$1,098,817,618 and the tax levy amount of \$729,063,058.

**Motion Passed**

Voting Record:

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to approve part a) i)

That in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the operating budget (Appendix A):

a) the amended 2022 operating budget BE READOPTED in the gross expenditure amounts as follows:

i. the amended 2022 operating budget for London Public Library BE APPROVED in the gross expenditure amount of \$21,741,937 and the tax levy amount of \$21,741,937;

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

Nays: (1): P. Van Meerbergen

Recuse: (1): S. Turner

**Motion Passed (13 to 1)**

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to approve a) ii)

ii. the amended 2022 operating budget for Children’s Services BE APPROVED in the gross expenditure amount of \$58,666,453 and the tax levy amount of \$7,145,081;

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

Recuse: (1): P. Van Meerbergen

**Motion Passed (14 to 0)**

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to approve a) iii)

iii. the amended 2022 operating budget for Golf BE APPROVED in the gross expenditure amount of \$3,740,834 and the tax levy amount of \$57,062;

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

Nays: (1): P. Van Meerbergen

Recuse: (1): J. Helmer

**Motion Passed (13 to 1)**

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to approve a) iv):

iv. the amended 2022 operating budget, excluding London Public Library, Children's Services, and Golf BE APPROVED in the gross expenditure amount of \$989,370,443 and the tax levy amount of \$672,905,283 after recognizing \$9,430,132 of increased taxation from assessment growth;

it being noted that the amended total 2022 operating budget being readopted is the gross expenditure amount of \$1,073,519,667 and the tax levy amount of \$701,849,363 after recognizing \$9,430,132 of increased taxation from assessment growth

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

Nays: (1): P. Van Meerbergen

**Motion Passed (14 to 1)**

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to approve b) i):

b) the amended 2023 operating budget BE READOPTED as follows:

i. the amended 2023 operating budget for London Public Library BE APPROVED in the gross expenditure amount of \$22,128,694 and the tax levy amount of \$22,128,694;

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

Nays: (1): P. Van Meerbergen

Recuse: (1): S. Turner

**Motion Passed (13 to 1)**

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to approve b) ii):

ii. the amended 2023 operating budget for Children's Services BE APPROVED in the gross expenditure amount of \$60,815,173 and the tax levy amount of \$8,835,703;

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

Recuse: (1): P. Van Meerbergen

**Motion Passed (14 to 0)**

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to approve b) iii):

iii. the amended 2023 operating budget for Golf BE APPROVED in the gross expenditure amount of \$3,787,965 and the tax levy amount of \$75,564;

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

Nays: (1): P. Van Meerbergen

Recuse: (1): J. Helmer

**Motion Passed (13 to 1)**

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to approve b) iv):

iv. the amended 2023 operating budget, excluding London Public Library, Children's Services, and Golf BE APPROVED in the gross expenditure amount of \$1,012,085,786 and the tax levy amount of \$698,023,097;

it being noted that the amended total 2023 operating budget being readopted is in the gross expenditure amount of \$1,098,817,618 and the tax levy amount of \$729,063,058

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

Nays: (1): P. Van Meerbergen

**Motion Passed (14 to 1)**

#### 4.9 Capital Budget

Moved by: J. Fyfe-Millar

Seconded by: M. Hamou

That, in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the capital budget (Appendix B), excluding Library Services and Golf:

- a. The amended 2022 capital budget BE READOPTED in the amount of \$311,174,000.
- b. The amended 2023 capital budget BE READOPTED in the amount of \$407,389,000.
- c. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$1,585,802,000.
- d. That the following actions be taken with respect to the Library Services capital budget:
  - i. The amended 2022 capital budget BE READOPTED in the amount of \$745,000.
  - ii. The amended 2023 capital budget BE READOPTED in the amount of \$745,000.
  - iii. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$7,425,000.
- e. That the following actions be taken with respect to the Golf capital budget:
  - i. The amended 2022 capital budget BE READOPTED in the amount of \$150,000.
  - ii. The amended 2023 capital budget BE READOPTED in the amount of \$150,000.
  - iii. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$900,000.

**Motion Passed**

Voting Record:

Moved by: J. Fyfe-Millar  
 Seconded by: M. Hamou

Motion to approve parts a), b) and c):

That, in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the capital budget (Appendix B), excluding Library Services and Golf:

- a. the amended 2022 capital budget BE READOPTED in the amount of \$311,174,000;
- b. the amended 2023 capital budget BE READOPTED in the amount of \$407,389,000;
- c. the amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$1,585,802,000;

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

**Motion Passed (15 to 0)**

Moved by: J. Fyfe-Millar  
 Seconded by: M. Hamou

Motion to approve part d):

- d. That the following actions be taken with respect to the Library Services capital budget:
  - i. The amended 2022 capital budget BE READOPTED in the amount of \$745,000.
  - ii. The amended 2023 capital budget BE READOPTED in the amount of

\$745,000.

iii. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$7,425,000.

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

Recuse: (1): S. Turner

**Motion Passed (14 to 0)**

Moved by: J. Fyfe-Millar

Seconded by: M. Hamou

Motion to approve part e):

e. That the following actions be taken with respect to the Golf capital budget:

i. The amended 2022 capital budget BE READOPTED in the amount of \$150,000.

ii. The amended 2023 capital budget BE READOPTED in the amount of \$150,000.

iii. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$900,000.

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

Recuse: (1): J. Helmer

**Motion Passed (14 to 0)**

#### 4.10 By-laws Regarding Tax Levy, Operating and Capital Budgets

Moved by: S. Hillier

Seconded by: J. Helmer

That the Civic Administration BE DIRECTED to bring forward any necessary by-laws regarding the tax levy, the operating and capital budgets for introduction at Municipal Council.

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

**Motion Passed (15 to 0)**

#### 4.11 Review of Water Budget Amendments (2022-2023 totals rounded to the closest \$1,000)

Moved by: S. Hillier

Seconded by: J. Fyfe-Millar

That the following actions be taken with respect to the 2022 Annual Water Budget Update:

a) Case #W-1 - Schedule Changes for Water Lifecycle Renewal Projects - Operating Expenditure \$0; Operating Revenue \$0; Capital Expenditure \$0 BE APPROVED; and,



b) Case #W-2 - Schedule Changes for Water Growth Projects - Operating Expenditure \$0; Operating Revenue \$0; Capital Expenditure \$0 BE APPROVED.

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

**Motion Passed (15 to 0)**

#### 4.12 Water Reserves/Reserve Funds Overview

Moved by: S. Lehman

Seconded by: P. Van Meerbergen

That the Water Reserves/Reserve Funds Overview for the 2020 to 2023 Multi-Year Budget BE RECEIVED for information.

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

**Motion Passed (15 to 0)**

#### 4.13 Reconciliation of the Draft Water Budget to the Public Sector Accounting Board Budget

Moved by: M. Cassidy

Seconded by: A. Hopkins

That the reconciliation of the draft Water Budget to the Public Sector Accounting Board financial statement budget BE RECEIVED for information.

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

**Motion Passed (15 to 0)**

#### 4.14 Water Services

Moved by: M. Cassidy

Seconded by: J. Fyfe-Millar

That, in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the 2022 to 2023 operating budgets and 2022 to 2023 capital budgets and associated forecasts for Water Services:

a) the amended 2022 operating budget for Water Services BE READOPTED in the gross expenditure amount of \$90,530,000 and gross revenue amount of \$90,530,000;

b) the amended 2023 operating budget for Water Services BE READOPTED in the gross expenditure amount of \$93,695,000 and gross revenue amount of \$93,695,000;

c) the amended 2022 capital budget for Water Services BE READOPTED in the amount of \$34,654,000;

d) the amended 2023 capital budget for Water Services BE READOPTED in the amount of \$84,508,000; and,

e) the amended 2024 to 2029 capital forecast for Water Services BE APPROVED in principle in the amount of \$278,507,000;

it being noted that all rates and charges related to the provision of Water Services were increased by 2.5% effective January 1, 2020 as approved by Council on November 26, 2019, increased by 2.5% effective January 1, 2021 and will be increased by 2.5% effective January 1 each year for 2022 to 2023 as approved by Council on October 27, 2020.

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

**Motion Passed (15 to 0)**

4.15 Review of Wastewater and Treatment Budget Amendments (2022-2023 totals rounded to the closest \$1,000)

Moved by: J. Helmer

Seconded by: M. Hamou

That the following actions be taken with respect to the 2022 Annual Wastewater and Treatment Budget Update:

a) Case #WWT-1 - Reduce Energy Budget at Greenway Wastewater Treatment Plant and Create Dedicated Program for Sewage By-pass and Overflow Elimination - Operating Expenditure \$0; Operating Revenue \$0; Capital Expenditure\$1,417,000 BE APPROVED.

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

**Motion Passed (15 to 0)**

4.16 Wastewater and Treatment Reserves/Reserve Funds Overview

Moved by: P. Van Meerbergen

Seconded by: S. Hillier

That the Wastewater and Treatment Reserves/Reserve Funds Overview for the 2020 to 2023 Multi-Year Budget BE RECEIVED for information.

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

**Motion Passed (15 to 0)**

4.17 Reconciliation of the Draft Wastewater and Treatment Budget to the Public Sector Accounting Board Budget

Moved by: M. Cassidy

Seconded by: J. Fyfe-Millar

That the reconciliation of the draft Wastewater and Treatment Budget to the Public Sector Accounting Board financial statement budget BE RECEIVED for information.

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

**Motion Passed (15 to 0)**

4.18 Wastewater and Treatment Services

Moved by: S. Turner

Seconded by: S. Hillier

That in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the 2022 to 2023 operating budgets and 2022 to 2023 capital budgets and associated forecasts for Wastewater and Treatment Services:

a) the amended 2022 operating budget for Wastewater and Treatment Services BE READOPTED in the gross expenditure amount of \$113,668,000 and gross revenue amount of \$113,668,000;

b) the amended 2023 operating budget for Wastewater and Treatment Services BE READOPTED in the gross expenditure amount of \$117,544,000 and gross revenue amount of \$117,544,000;

c) the amended 2022 capital budget for Wastewater and Treatment Services BE READOPTED in the amount of \$98,873,000;

d) the amended 2023 capital budget for Wastewater and Treatment Services BE READOPTED in the amount of \$96,168,000; and,

e) the amended 2024 to 2029 capital forecast for Wastewater and Treatment Services BE APPROVED in principle in the amount of \$606,551,000;

it being noted that all rates and charges relating to the provision of Wastewater and Treatment Services were increased by 2.5% effective January 1, 2020 as approved by Council on November 26, 2019, increased by 2.5% effective January 1, 2021, and 2.7% effective July 1, 2021, and 2.5% effective January 1 each year of 2022 and 2023 as approved by Council on October 27, 2020.

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

**Motion Passed (15 to 0)**

**5. Deferred Matters/Additional Business**

None.

**6. Adjournment**

Moved by: S. Turner

Seconded by: J. Helmer

That the meeting BE ADJOURNED.

**Motion Passed**

The meeting adjourned at 3:17 PM.



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

London  
CANADA

December 14, 2021

The Mayor and Members of Council

**Enquiry: Update on Islamophobia Directions and NCCM recommendations**

Just over 6 months ago a horrific terrorist attack in Hyde Park took friends and neighbours from us, shattered a community's sense of security, and drew national focus to the issue of Islamophobia and anti-Muslim hate.

Council, in partnership with the Muslim community, took quick action and set forward a series of directions to Civic Administration. We understand that this important work is ongoing, however, an update on the progress and timing of the forthcoming decision points for Council would be beneficial to us and the wider community. This includes any work related to the National Council of Canadian Muslim's recommendations for municipalities.

Therefore we respectfully ask that the City Manager provide a verbal update on the progress to date and the general timing of related reports and Council decision points.

Respectfully,

Josh Morgan  
Deputy Mayor  
Councillor - Ward 7

Mariam Hamou  
Councillor - Ward 6



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

London  
CANADA

December 17, 2021

To the Members of Council

Re: Emergent Motion – Bill 21

In the aftermath of the horrific, racist terrorist attack on June 6th, which killed four members of the Afzaal family, London City Council committed itself to combating Islamophobia and racism in all of its forms.

We have taken and will continue to take meaningful action through a variety of measures, including the following emergent motion which denounces, and seeks to aid in dismantling Quebec's Bill 21.

Bill 21 prohibits the wearing of religious symbols such as hijabs, kippas, turbans, and crosses by teachers and other government employees deemed to be in positions of authority. Earlier this month, a teacher in Chelsea, Quebec lost her job because of her hijab.

In the aftermath of the attack in our community, we received messages of support and condolence from across the country. It is our turn now to do the same in offering a show of solidarity with Muslims, other religious communities impacted by Bill 21, and all those who believe in the Charter of Rights and Freedoms. We believe that this injustice cannot continue unchallenged, and that this is another meaningful action that London City Council can take to live up to its commitment to combat Islamophobia in all of its forms.

As such, we are asking your support for the following emergent motion:

That the following actions be taken with respect to the Province of Quebec's Bill 21:

- a) the opposition to the Province of Quebec's Bill 21, An Act respecting the laicity of the State ("Bill 21") by London's Municipal Council BE AFFIRMED and the City's commitment to upholding the freedoms set out in the Canadian Charter of Rights and Freedoms BE REAFFIRMED;
- b) the current legal challenge against Bill 21 BE SUPPORTED by London's Municipal Council; and,
- c) the Civic Administration BE DIRECTED to provide a one-time grant of up to \$100,000 to the joint legal challenges of Bill 21 by the National Council of Canadian Muslims, the World Sikh Organization, and the Canadian Civil Liberties Association, with the funding to be accommodated from the operating budget contingency.

Respectfully submitted,

Mariam Hamou  
Councillor, Ward 6

Ed Holder  
Mayor

Josh Morgan  
Deputy Mayor  
Councillor, Ward 7

Bill No. 38  
2022

By-law No. A.- \_\_\_\_\_ - \_\_\_\_

A by-law to confirm the proceedings of the  
Council Meeting held on the 21<sup>st</sup> day of  
December, 2021.

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

1. Every decision of the Council taken at the meeting at which this by-law is passed and every motion and resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted, except where prior approval of the Ontario Land Tribunal is required and where any legal prerequisite to the enactment of a specific by-law has not been satisfied.
2. The Mayor and the proper civic employees of the City of London are hereby authorized and directed to execute and deliver all documents as are required to give effect to the decisions, motions and resolutions taken at the meeting at which this by-law is passed.
3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

Bill No. 39  
2022

By-law No. A.- \_\_\_\_ -\_\_

A by-law to authorize and approve the Contribution Agreement with Her Majesty the Queen in Right of Canada, as represented by the Minister of Immigration, Refugees and Citizenship Canada: London & Middlesex Local Immigration Partnership.

WHEREAS section 2 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters;

AND WHEREAS section 3.1 of the Municipal Act, 2001 states that the Province acknowledges that a municipality has the authority to enter into agreements with the Crown in right of Canada with respect to matters within the municipality's jurisdiction;

AND WHEREAS section 10 of the Municipal Act, 2001 provides that the City may provide any service or thing that the City considers necessary or desirable for the public, and may pass by-laws respecting same, and respecting economic, social and environmental well-being of the City, and the health, safety and well-being of persons;

AND WHEREAS the Municipal Act, 2001 provides authority for a municipality to delegate its powers and duties under this or any other Act to a person, subject to certain restrictions;

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

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

1. The Contribution Agreement for the London & Middlesex Local Immigration Partnership between Her Majesty the Queen in Right of Canada, as represented by the Minister of Immigration, Refugees and Citizenship Canada and The Corporation of the City of London, substantially in the form attached as Schedule 1 to this by-law, is authorized and approved.
2. The Mayor and City Clerk are authorized to execute the Contribution Agreement for the London & Middlesex Local Immigration Partnership approved in section 1, above.
3. The City Manager, or written designates, are delegated the authority to approve and execute any further amendments to the London & Middlesex Local Immigration Partnership Contribution Agreement if the amendments are substantially in the form of the Contribution Agreement approved in section 1, above.
4. The City Manager, or written designates, are delegated the authority to undertake all the administrative, financial and reporting acts, including signing authority regarding application forms for funding, budgets, cash flows, other financial reporting including financial claims, and directions, consents and other authorizations as may be required, provided that the monetary amounts do not exceed the maximum amount of Canada's contribution specified in the Contribution Agreement that are necessary in connection with the Contribution Agreement as approved in section 1, above.
5. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First reading – December 21, 2021  
Second reading – December 21, 2021  
Third reading – December 21, 2021



**CONTRIBUTION AGREEMENT**

**AGREEMENT NUMBER: X223926001  
ORIGINAL**

**BETWEEN:** **HER MAJESTY THE QUEEN IN RIGHT OF CANADA**, as represented by the Minister of Immigration, Refugees and Citizenship, hereinafter referred to as the "Department".

417 Exeter Road  
London, ON, N6E 2Z3  
Canada

**AND:** The Corporation of the City of London, hereinafter referred to as the "Recipient".  
Citi Plaza, 355 Wellington Street, Suite 248, 2nd Floor  
London, ON, N6A 4L6  
Canada

Whereas the Recipient wishes to provide services and/or activities to Eligible Clients under the Settlement Program and has applied to the Department for funding under the said Program; and the Department wishes to provide a Contribution to the Recipient to assist it in carrying out such services and/or activities; the Department and the Recipient undertake and agree as follows:

**1.0 AGREEMENT**

1.1 This Agreement, including the attached schedules, any written instructions issued pursuant to its provisions, and any subsequent amendments thereto, constitute the entire Agreement between the Department and the Recipient, and supersedes all previous documents, negotiations, understandings and undertakings related to its subject matter.

- The Contribution Agreement
- Schedule 1, entitled *Statement of Planned Activities and Intended Results*
- Schedule 2, entitled *Description of Eligible Costs*
- Schedule 3, entitled *Terms of Payments and Financial Reporting*
- Schedule 4, entitled *Supplementary Terms and Conditions*

**2.0 INTERPRETATION**

In this Agreement, unless otherwise defined herein:

- 2.1 "Contribution" means a conditional transfer payment for a specified purpose pursuant to an Agreement that is subject to being accounted for and audited.
- 2.2 "Project" means the services and/or activities described in Schedule 1 which are directly delivered to Eligible Clients or which contribute indirectly to the resettlement, settlement and integration of Eligible Clients.
- 2.3 "Eligible Costs" means the costs described in Schedule 2 required by the Recipient to deliver the Project which are:
  - A) incurred and paid by the Recipient in relation to the Project during the Funding Period or during the fiscal year in the case of multi-year funding; or
  - B) incurred by the Recipient in relation to the goods and services purchased during the last two (2) months of the Funding Period and paid within 60 days of the conclusion of the Funding Period, and whose validity has been substantiated to the satisfaction of the Department by means of Supporting Documentation as described in clause 2.12;

Restrictions

- i) Costs associated with validating credentials of Eligible Clients are not eligible.
- ii) Profit is neither a "cost" nor an "expense" and therefore may not be included as an Eligible Cost.

C) deemed to have been incurred based on a funding formula.

2.4 "Capital Costs" means costs that the Recipient expects to incur and pay for capital assets purchased and/or leased (with the option to buy and where there is reasonable assurance that the lessee will obtain ownership at the end of the lease term), in whole or in part, and costing is in excess of \$1000.





Capital assets must be recorded taking into account the quantity of items purchased and according to the "whole asset" approach which considers an asset to be an assembly of connected parts and where costs of all parts would be capitalized and amortized as one asset.

2.5 "Eligible Client" means:

A) For the Settlement Program:

- i) Permanent Residents of Canada.
- ii) Protected persons as defined in section 95 of the *Immigration and Refugee Protection Act* (IRPA).
- iii) Individuals who have been selected, inside or outside Canada, to become permanent residents (pending verifications) **and** who have been informed, by a letter from the Department.
- iv) Convention refugees and protected persons outside Canada who have been selected for resettlement in Canada by the Department.
- v) Live-in Caregivers: Temporary foreign workers who hold or received approval of a work permit under section 112 or received initial approval for permanent residence under section 113 of the *Immigration and Refugee Protection Regulations* (IRPR) are eligible for all settlement services with the exception of language training.

Notes

- vi) "Individuals selected" described in A) iii) above means individuals who have received a positive eligibility decision on their application for permanent residence.
- vii) Eligible persons include both the principal applicant and eligible dependants (spouse and children).

Restrictions

- viii) To access language training, persons must be of legal school-leaving age within their applicable province or territory.
- ix) Canadian citizens and non-permanent residents are **not** eligible persons. However, the Settlement Program provides opportunities for citizens and other residents of Canada to participate in settlement services to clients as volunteers.

B) For the Resettlement Assistance Program (RAP), the following individuals and their accompanying dependents, as defined in the RAP Terms and Conditions:

- i) Government Assisted Refugees (GAR), including those sponsored under the Joint Assistance Sponsorship (JAS) Program.
- ii) Privately Sponsored Refugees (PSR), including Blended Visa Office-Referred (BVOR) clients, primarily for Port of Entry services.
- iii) Other groups admitted under a public policy established by the Minister and deemed eligible for the RAP.
- iv) Eligible resettled refugees arriving on temporary resident permit.
- v) One-Year Window (OYW) arrivals.
- vi) Other groups admitted as members of any current or future humanitarian-protected person abroad class.

Restrictions

- vii) RAP clients must reside, during the eligible period, in a province where the federal government administers RAP in order to remain eligible for assistance.

2.6 "Care for Newcomer Children" means unlicensed childcare that is provided to the children of Eligible Clients while they attend short term and/or long term services under the RAP or the Settlement Program.

2.7 For RAP, "Temporary Accommodation" means any form of accommodation, as deemed suitable by the Department, provided to house and shelter eligible clients following their arrival in Canada.

2.8 "Funding Period" means the period specified in Schedule 2 in the section entitled *Duration of Activity / Funding Period*.

2.9 "Term of the Agreement" means the period during which this Agreement shall be effective, which period commences on the date the Agreement is signed by both parties and terminates one (1) year after the



end of the Funding Period.

- 2.10 "Compliance Audit" means an independent assessment done by an accredited auditor in accordance with section 5815 of the *Chartered Professional Accountants Canada Handbook*, to provide assurance of a Recipient's compliance with the Agreement. Audited financial statements do not constitute a compliance audit.
- 2.11 "Fiscal Year" means the period commencing on April 1st in one calendar year and ending on March 31st in the next calendar year.
- 2.12 "Supporting Documentation" means but is not limited to original vouchers, invoices, statements of account, receipts, contracts, lease agreements, and timesheets or other data supporting the Recipient's actual costs incurred. The term also includes cancelled cheques, bank drafts and other forms of data supporting costs incurred.

### 3.0 CONTRIBUTION

3.1 In order to assist the Recipient in delivering the Project, and subject to the terms of the Agreement, the Department will make a Contribution to the Recipient in respect of the Eligible Costs of the Project of an amount not exceeding the lesser of:

- A) 100% of the Eligible Costs; or
- B) the Total Maximum Contribution specified in Schedule 2.

3.2 Costs are Eligible Costs for the purposes of this Agreement only if they are, in the opinion of the Department:

- A) directly related to and necessary for the delivery of the Project;
- B) reasonable; and
- C) allowable expenditures.

3.3

- A) The Recipient will notify the Department in writing with respect to all proposed adjustments to the Agreement. Depending upon the extent and significance of the adjustments, prior written approval by the Department or an amendment to the Agreement may be required.
- B) The Recipient may reallocate Eligible Costs from the Capital Cost category to the Program Delivery category, without prior written approval, when the sum of all transfers is less than 5% of the Capital Cost category's original fiscal year budget, to a maximum of \$50,000. The Recipient will notify the Department in writing following such a reallocation.
- C) The Recipient may reallocate Eligible Costs between existing line items within the same cost category, without prior written approval, when the sum of all transfers is less than 5% of the cost category's original fiscal year budget, to a maximum of \$50,000. The Recipient will notify the Department in writing following such a reallocation.
- D) In addition to any decision made by the Department under 3.3 A), amendments to the Agreement will be required for:
  - i) increases to the Total Maximum Contribution identified in Schedule 2;
  - ii) the inclusion of new line items or cost categories;
  - iii) increases in fiscal year allocations;
  - iv) changes to the Funding Period; and
  - v) changes related to the scope of the Project outlined in Schedule 1.
- E) With respect to Temporary Accommodation under the RAP, food and incidentals per person rates as set out in Schedule 2 cannot be changed without prior written approval of the Department.
- F) With respect to prior written approval described in subclauses 3.3 A), B), C) and E), the written communication between the Recipient and the Department shall constitute part of the Agreement and will supersede the relevant details indicated in the Agreement schedules.

3.4 In cases where the Recipient receives more funding than anticipated from any or all sources for the activities specified in the Agreement under clause 5.1, repayment of the pro rata share of the Contribution from the Department will be required.

3.5 Notwithstanding any other provision of this Agreement:

- A) No Contribution is payable by the Department in respect to any portion of the cost of any Eligible Costs for which the Recipient receives a rebate or reimbursement, except in the case of property



tax rebate where the procedure is as follows:

- i) Recipients that receive a property tax rebate from a municipality must notify the Department in writing.
  - ii) Recipients can retain the Department's share of the rebate on condition that they provide a description of how the funds will be used to support activities described in Schedule 1.
  - iii) Should a Recipient wish to use the rebate for other programming, approval must first be obtained by the Department.
  - iv) Recipients must retain records substantiating that the rebate has been reinvested to support activities described in Schedule 1.
- B) Only the portion of the provincial and/or federal tax (GST/HST) which is not refundable by the Canada Revenue Agency as an input tax credit or as a rebate can be claimed as an Eligible Cost.
- C) Any interest or any other income earned on advances of the Contribution shall be accounted for by the Recipient and considered part of the Contribution, be included in the calculation of claims, and may result in a repayment.

### 3.6 Notwithstanding clause 3.1:

- A) No Contribution shall be paid for costs incurred with respect to a member of staff who is a member of the immediate family of an employee of the Recipient, or, if the Recipient is a corporation or an unincorporated association, who is a member of the immediate family of an officer or a director of the corporation or the unincorporated association, unless the Department is satisfied that the hiring of the staff was not the result of favoritism by reason of the staff's membership in the immediate family of the Recipient or officer or director of the Recipient, as the case may be.
- B) For the purposes of this section, "immediate family" means father, mother, stepfather, stepmother, foster parent, brother, sister, spouse, common-law partner, child (including child of common-law partner), stepchild, ward, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law or relative permanently residing with an employee of the Recipient, or officer or director of the Recipient, as the case may be.

## 4.0 CONDITIONS GOVERNING PAYMENT OF THE CONTRIBUTION

- 4.1 Subject to clauses 4.5 and 4.6 and an appropriation by Parliament of required funds, the Department will make payments of the Contribution by reimbursement, upon receipt from the Recipient of claims for Eligible Costs as identified in clause 2.3.
- 4.2 Any payment by the Department under this Agreement is subject to there being an appropriation for the fiscal year in which the payment is to be made and to there being funds available. Should the Department's funds be reduced by Parliament, the Department may reduce or cancel the Contribution.
- 4.3 Claims for reimbursement of Eligible Costs are to include Supporting Documentation, if requested by the Department, as described in clauses 6.6 and 6.7 and in Schedule 3 of this Agreement.
- 4.4 Claims from the Recipient for the Project should be submitted according to the reporting frequency specified in Schedule 3.
- 4.5 The Department may make advance payments of a Contribution in approved cases, where the Recipient has requested such payments and the request aligns with conditions specified in Schedule 3.
- 4.6 The Department shall not contribute to costs incurred prior to or subsequent to the Funding Period.
- 4.7 Any overpayments, unexpended balances, amounts disallowed on audit, amounts received by the Recipient from other sources that are in excess of total anticipated amounts under clause 5.1, and any refunds, rebates, and discounts that have been billed to the Department as part of actual costs, or other amounts owing to the Department by the Recipient shall be recognized as debts due to the Crown, and repaid within 30 days of receipt of notice to do so by the Department, after which time, the *Interest and Administrative Charges Regulations* will apply.
- 4.8 The Recipient declares and guarantees that at the time of signing the Agreement, it does not have an amount owing to the Crown. Should this change during the implementation of the Project, the Recipient shall promptly inform the Department by submitting a true and accurate list of all amounts owing. Amounts due to the Recipient under this Agreement may be set off against amounts owing to the Crown under legislation or previous agreements.
- 4.9 Where the Department determines that a change in reporting frequency identified in Schedules 3 and 4, or holdback amount identified in Schedule 3 is warranted, it will notify the Recipient in writing and provide details of any changes. The written communication between the Department and the Recipient



shall constitute part of the Agreement and supersede the reporting frequency or holdback amount indicated in Schedule 3 of the Agreement.

- 4.10 The Department reserves the right not to process or pay Contribution funds in relation to claims for Eligible Costs submitted more than 60 days after the end of the Funding Period.

## 5.0 RECIPIENT'S OBLIGATIONS

The Recipient also agrees to abide by the following obligations during the entire Funding Period and where relevant, during the entire Term of the Agreement:

- 5.1 To submit to the Department, prior to the start of the Agreement, a disclosure of all confirmed or potential sources of funding or in-kind contributions for program activities and/or Eligible Costs related to the Agreement. The Recipient shall notify the Department of any changes in funding from other sources for activities related to the Agreement set out in Schedule 1, and shall do so within 30 days of their occurrence. The Recipient shall submit any changes in the funding level through an updated Forecast of Cash Flow, or as otherwise specified in Schedule 3.
- 5.2 To keep all records and provide all services and/or activities during the Funding Period in a sustained, diligent, efficient and cost-effective manner, using qualified personnel.
- 5.3 To ensure that all personnel designated by the Recipient to deliver the Project described in Schedule 1 of this Agreement are authorized to work in Canada, familiar with the community they serve, and sufficiently familiar with Canadian sociocultural, economic and institutional realities to achieve the objectives identified in Schedule 1.
- 5.4 To adhere to the following Official Language requirements:
- A) To inform Eligible Clients of services available in the client's official language through other organizations.
  - B) To organize activities, projects, and programs to forge ties between Canada's two official language communities.
  - C) To annually consult with francophone minority communities about settlement and resettlement programming as determined appropriate by the Department.
  - D) To offer services in both official languages based on an assessment of needs by the Department; this will include:
    - i) making the public aware of services through greetings, recorded messages, announcements, broadcasts, signs, documents and other means of communication; and
    - ii) provision of equal quality services for the public in both official languages, and for individuals in the language of their choice.
  - E) Identify the Project participants/beneficiaries and take all necessary measures to communicate and provide Project-related services and/or activities to the participants/beneficiaries in English and in French as the case may require.
  - F) The Department has deemed that the requirements under this section are not applicable.
- 5.5 To deliver the Project in accordance with all applicable laws, by-laws, regulations, guidelines and requirements and, prior to beginning the Project, obtain required permits, licences, consents, authorizations and insurance coverage, including directors' liability insurance and replacement insurance for capital assets, as may be required.
- 5.6 Recipients shall ensure that clients receive services in a safe, secure and respectful environment, and that their staff have the tools and training to ensure that this occurs. The Recipient must have in place, or will have in place within six (6) months of the Agreement start date, and shall maintain in place for the entire Funding Period of the Agreement, a code of conduct to prevent, investigate and respond, as required, to misconduct and wrongdoing.
- 5.7 To ensure that all members of the Board of Directors:
- A) are chosen in conformity with applicable federal and provincial legislation governing corporations or unincorporated associations;
  - B) are fully informed about the management and operations of the Recipient; and
  - C) are familiar with the principles of board governance.
- 5.8 To conform to the reporting requirements found in section 6.0 for each Agreement it has with the Department.
- 5.9 In the case of an Agreement that includes the provision of funds for Care for Newcomer Children



services or licensed daycare services, the following requirements must be met:

- A) The Recipient must ensure all provisions of the national Care for Newcomer Children Requirements, and, where applicable, the provincial or territorial legislation(s) for licensed daycare are met, where dependent children receive such services on the same premises in which their parent(s) / guardian(s) receive services under the RAP or the Settlement Program.
- B) The Recipient must ensure that any contracted third party is licensed by the province or territory, where dependent children are placed in facilities on premises separate from those where their parent(s) / guardian(s) receive services under the RAP or the Settlement Program.

- 5.10 The Recipient shall notify the Department in writing within 14 days of any staff changes that relate to the management of this Agreement, as well as of any changes in the membership of the Board of Directors.
- 5.11 The Recipient shall notify the Department in writing of any changes to organizational policies which impact this Agreement. Should any changes to such policies occur during the course of the Agreement, the Recipient shall provide the Department with a copy of the amended policy within 14 days of the change.
- 5.12 Where special training needs of clients with disabilities have been identified, the Recipient shall submit to the Department for consideration a rationale and a budget for the cost of such enhancements.

## **6.0 MONITORING AND REPORTING REQUIREMENTS**

In order to fulfill the Department's management and accountability requirements, the Recipient further agrees to abide by the following obligations:

- 6.1 During the entire Funding Period, the Recipient will:
  - A) ensure that authorized representatives of the Department are permitted reasonable access to all premises where the Project is being delivered under this Agreement, or which provide support for this Project, in order to monitor all aspects of the Recipient's compliance with its obligations under this Agreement, including the delivery of services in both official languages where applicable; and
  - B) keep and maintain a secure data collection system containing protected information, as required by the Department, about each Eligible Client to whom services are provided.
- 6.2 During the entire Term of the Agreement, the Recipient will:
  - A) keep and maintain proper books and records in accordance with generally accepted accounting principles and business practices, of all assets and liabilities held, all revenues from all sources, and all expenses incurred and paid out in connection with this Agreement; and
  - B) retain all Supporting Documentation relating to the financial books and records.
- 6.3 During the entire Term of the Agreement and for each reporting period identified in Schedules 3 and 4, the Recipient shall submit claims for Eligible Costs with Supporting Documentation if requested by the Department, and complete statistical and narrative reporting against progress towards and achievement of expected results, which are satisfactory to the Department in scope, detail, format and frequency.
- 6.4 The Recipient shall complete an annual project performance reporting exercise by submitting an annual report. Recipients delivering direct services under the Settlement Program must submit an annual report using the template provided by the Department. Annual reports must be submitted to the Department at the end of the Agreement for single-year agreements (or less), or at the end of each fiscal year for multi-year agreements.
- 6.5 During the entire Term of the Agreement, and for seven (7) years afterwards, the Recipient agrees to:
  - A) make such information as described in clauses 6.1, 6.2, 6.3 and 6.4, regardless of format, available for inspection, audit and monitoring by representatives of the Department, who may make copies thereof and take extracts therefrom, ensuring that all protected information is protected as per departmental policies;
  - B) make available facilities for any such inspection, audit and monitoring by representatives of the Department;
  - C) show evidence of a documented disposition procedure and provide any other information that may be required with respect to the books and records described in clauses 6.1, 6.2, 6.3 and 6.4;
  - D) send copies of any information to the Department, which has been collected on its behalf, at such intervals, in such format and by such means as the Department may specify, for use in monitoring and evaluating the Project; and
  - E) safeguard appropriately for its level of classification or designation, collected protected information



as described in subclause 6.1 B). Protected information must be retained only for as long as the client continues to receive services, after which all copies of the record must be immediately destroyed. The manner of destruction must be appropriate to the level of classification or designation and the storage media in which it has been retained. If the Recipient is required to maintain the record for uses outside of the Agreement, all identifying information specific to the Department must be removed.

- 6.6 During the entire Term of the Agreement, and for greater certainty further to subclause 6.1 B), the Recipient shall comply with instructions by the Department relating to performance measurement, research, evaluation, monitoring and policy analysis of the program under which it is receiving funding.

The Recipient also agrees:

- A) to use the system(s) provided by the Department and maintain a comprehensive security awareness training program available to all staff; or
- B) that additional requirements under this section as identified by the Department, are not applicable.

- 6.7 The Recipient shall submit to the Department, within 60 days of the end of the Funding Period or as otherwise specified in Schedule 3 or 4:

- A) a final claim for Eligible Costs with Supporting Documentation if requested by the Department;
- B) a final financial report detailing actual expenditures incurred as well as a declaration of revenues received, including in-kind contributions, for the Project; and
- C) a Final Progress Report as detailed in Schedule 4.

- 6.8 Recipients shall be subject to monitoring by the Department, as set out in clauses 6.1 to 6.7, in relation to their planned objectives and deliverables. The Department will assess whether satisfactory outcomes have been achieved; whether demand for a particular service still exists; and whether administrative documents, reports, financial records and statements, and any other required documentation, are in order.

- 6.9 The Department may request a Compliance Audit of the Project to ensure compliance with the terms of the Agreement. The scope and timing of such an audit will be determined by the Department.

## 7.0 PRIVACY AND SECURITY OBLIGATIONS

- 7.1 Personal information collected or maintained by the Recipient within Canada is subject to the provisions of the applicable federal, provincial or territorial privacy and access to information legislation or the *Personal Information Protection and Electronic Documents Act* (PIPEDA).

Recipients delivering a Project overseas will:

- A) comply with the current national or domestic laws of the countries where services are being provided, including any laws that may be enacted after the beginning of the Agreement; and
- B) acknowledge that nothing in the applicable laws derogates from, prevents compliance with or conflicts with the requirements of this Agreement. The Recipient must notify the Department immediately, and where possible in advance, of a change to applicable laws that derogates from, prevent compliance or conflict with the requirements of this Agreement.

- 7.2 Recipients will limit their collection of personal information to only that which is necessary for them to carry out their programming, and must be proportional to the benefit to be derived from the expected outcomes of the Project.

- 7.3 Personal information shall be treated as confidential and not disclosed to any person, other than the client, except in accordance with applicable law. When requested, the Recipient shall provide clients with reasonable access to view their information that was collected for purposes of programming funded by the Department.

- 7.4 The Recipient shall take all security measures reasonably necessary to protect any such personal information using methods that are generally used by prudent public and private sector organizations. These measures must meet the requirements, standards or guidelines found in applicable policy, directives or protocols of the Government of Canada, including those set out in any instructions issued by the Department for the protection of personal information against unauthorized use or disclosure.

Recipients delivering a Project outside Canada will ensure cross-border transmission of personal



information between its offices in countries where the Recipient is delivering the Project and fulfilling its obligations pursuant to this Agreement must only be done when necessary or required for the performance of the Project and shall be in compliance with all sections of this Agreement. If requested by the Department, the Recipient shall provide a description of cross-border transmission of information that is necessary for the Project.

- 7.5 Where the Recipient has reasonable grounds to believe that there has been loss, theft, unauthorized access, disclosure, copying, use, modification or destruction of personal information, or any incident that may jeopardize the security or integrity of personal information, it will immediately notify the Department of the privacy breach. The Recipient will also immediately take all reasonable steps to stop and contain the impact of the breach, assess and resolve the problem, and prevent its recurrence. The Department may direct the Recipient to take specified steps to resolve and prevent a recurrence.
- 7.6 Despite the provisions of this Agreement, in the event that the Recipient is compelled to produce any personal information pursuant to any applicable legislation, regulation, or any order of any court, tribunal, administrative body or other authority with jurisdiction, whether in or outside of Canada, the Recipient shall notify the Department and the affected client immediately, and where possible, in advance.
- 7.7 In addition to the above as it relates to clause 6.6 specifically, the Recipient agrees:
- A)
    - i) to make available the "Gathering Information" pamphlet that explains the purpose and privacy implications of collecting a client's information;
    - ii) if the client is illiterate, to verbally transmit the contents of the pamphlet; and
    - iii) to comply with the systems' related privacy and security manual and other departmental policies and instructions governing security matters.
  - B) that additional requirements under this clause as identified by the Department, are not applicable.
- 7.8 Without limiting the generality of section 9.0, the Recipient shall be liable for claims resulting from the breach of the privacy and confidentiality of the information in the course of the performance by the Recipient of its obligations pursuant to this Agreement. The Department will not accept any liability for damage, loss, injury, or claims of any kind, including, but not limited to, breach of confidentiality of information arising out of the performance by the Recipient of its obligations pursuant to this Agreement. The Department is not liable for the physical safekeeping and privacy of documents provided to the Recipient while such documents are in the possession or control of or under the responsibility of the Recipient, or in the process of being transferred or transmitted to the Department.
- 7.9 Any violation of the above-noted clauses will be considered a default pursuant to section 8.0 of the Agreement.

## 8.0 DEFAULT

8.1 The following constitute events of default:

- A) The Recipient becomes bankrupt or insolvent, is placed in receivership, or takes the benefit of any statute relating to bankrupt or insolvent debtors.
- B) An order is made or a resolution is passed for the winding up of the Recipient, or the Recipient is dissolved.
- C) The Recipient is in breach of the performance of, or compliance with, any term, condition or obligation on its part to be observed or performed.
- D) The Recipient has submitted false, misleading, or inaccurate information to the Department.
- E) In the opinion of the Department, the Recipient has failed to deliver the Project in an acceptable manner.
- F) The activities or anticipated activities of the Recipient are contrary to Canadian law.

8.2 In the event of default and after consultation with the Recipient, the Department may direct that changes be made to the Project.

8.3 The Department may avail itself of either or both of the following remedies, as well as any remedies otherwise available:

- A) by written notice to the Recipient in the event of default, immediately suspend any obligation by the Department to contribute or continue to contribute to the Eligible Costs of the Project as per clauses 3.1 and 3.2 of this Agreement, including any obligation to pay an amount owing prior to the date of such notice, until such default is corrected to the Department's satisfaction; and/or
- B) by written notice to the Recipient in the event of default, immediately terminate any obligation to



contribute or continue to contribute to the Eligible Costs of the Project as per clauses 3.1 and 3.2 of this Agreement, including any obligation to pay an amount owing prior to the date of such notice, where the Department is of the opinion that the needs of Eligible Clients would be better met by such termination or has determined that it would not otherwise be in the Department's interest to continue with its obligation to contribute.

8.4 In the event of default and termination of the Agreement by the Department:

- A) the Recipient shall dispose of capital assets acquired with the Contribution as outlined in section 11.0 of this Agreement; and
- B) the Department shall recover any amount remaining from any advance payment, as described in Schedule 3, as well as any debts due to the Crown as referred to in clause 4.7.

8.5 The fact that the Department refrains from exercising a remedy it is entitled to exercise under this Agreement shall not be considered to be a waiver of such right. The partial or limited exercise of a right conferred on the Department by this Agreement shall not prevent the Department in any way from later exercising any other right or remedy under this Agreement or other applicable law.

## 9.0 THIRD PARTY

9.1 This Agreement is for a Contribution to the Recipient only, and nothing in it or done pursuant to it is to be construed as constituting the Recipient as the Department's agent, representative, employee or co-venturer. The Recipient is in no way authorized to make a promise, agreement or contract on behalf of the Department.

9.2 The Recipient shall indemnify and save harmless the Department from and against all claims, losses, damages, costs and expenses related to the performance by the Recipient of its obligations pursuant to this Agreement, including, but not limited to, the following:

- A) non-payment by the Recipient of debts, loans, capital leases or other obligations to third parties, including but not limited to the case that the Recipient becomes bankrupt or insolvent or is placed in receivership;
- B) any injury or death of a person;
- C) any loss or damage to property caused or alleged to be caused by the Recipient or its servants or agents in carrying out the Project;
- D) any settlement for wrongful dismissal by the Recipient; and
- E) any infringement of the third party's Intellectual Property Rights, including claims that stem from the use of hardware or software provided to the Recipient by the Department or acquired by the Recipient with funds pursuant to this Agreement.

9.3 As soon as the existence of a claim from a third party as described in subclause 9.2 E) is made known to the Department, the Department is entitled to prohibit the Recipient from making further use of the hardware or software described above and to issue instructions to the Recipient regarding such claims. If the Recipient does not comply with instructions issued by the Department pursuant to subclause 9.2 E) and this provision, then the Department is entitled to terminate the present Agreement pursuant to section 8.0.

9.4 Where the Recipient is an unincorporated association, it is understood and agreed by the persons signing this Agreement on behalf of the Recipient, that they shall also be personally, jointly and severally liable for any and all obligations of the Recipient under this Agreement, and for any debt that may become due to the Department hereunder.

9.5 The Recipient shall not assign this Agreement in whole or in part without the prior written consent of the Department, and any assignment made without that consent is void and of no effect.

9.6 When the Recipient contracts for products or services which are the subject of this Agreement, the Recipient must:

- A) use a fair process in obtaining price quotes from prospective contractors;
- B) ensure value for money;
- C) retain, and readily provide to the Department on request, copies of all contracts with third parties; and
- D) maintain accurate records of all transactions with third parties, and provide the Department with reasonable access to these records:
  - i) during the entire Term of the Agreement; and
  - ii) for seven (7) years afterwards.





9.7 The Recipient must ensure that any contract entered into with third parties is consistent with this Agreement, including the following terms and conditions:

- A) Nothing in this contract or in work done pursuant to it is to be construed as creating a contractual relationship of any kind between the Department and the third party.
- B) The third party must make available Supporting Documentation, and books and records to the Department's representatives for inspection and audit.
- C) The third party must be bound to the same privacy and security obligations that apply to the Recipient under section 7.0 of the Agreement.

## 10.0 INTELLECTUAL PROPERTY

- 10.1 "Intellectual Property Right" means any Intellectual Property Right recognized by law, including any protected through legislation or arising from protection of information as a trade secret or as confidential information.
- 10.2 Where in the course of carrying out the Project, the Recipient produces any work subject to Intellectual Property Rights, these rights shall vest in the Recipient.
- 10.3 Recipients should, or must if applicable, negotiate a copyright licence with one of the Canadian copyright licensing agencies to have rights on all copyright materials for use by clients and recipient staff.
- 10.4 Where the production of the work has been funded, in whole or in part, by the Contribution made by the Department under this Agreement, the Recipient hereby grants to the Department a non-exclusive, fully paid and royalty-free licence to reproduce, distribute and translate the work for purposes of carrying out the Department's program objectives.
- 10.5 With respect to any work licensed under this section, the Recipient:
- A) warrants that the work shall not infringe on the copyrights, trademarks or proprietary rights of others;
  - B) agrees to indemnify and save harmless the Department from all costs, expenses and damages arising from any breach of any warranty given in subclause 10.5 A) of this Agreement; and
  - C) shall include an acknowledgment, in a form satisfactory to the Department, on any work which is produced by it with funds contributed by the Department under this Agreement, acknowledging that the work was produced with funds contributed by the Department and identifying the Recipient as being solely responsible for the content of such work.
- 10.6 If the Recipient is involved, either in or out of court, in a claim by a third party relating to the infringement of its Intellectual Property Rights, the Recipient must inform the Department immediately in writing of the claim.
- 10.7 Section 10.0 shall remain in effect after the expiration of the Agreement.

## 11.0 CAPITAL ASSETS

With regard to capital assets purchased in whole or in part with Contribution funds, the Recipient and the Department agree that ownership of such assets rests with the Recipient, subject to the following:

- 11.1 That such assets be insured for replacement costs.
- 11.2 That an inventory of capital assets purchased with Department funds (or purchased with insurance funds, when insurance costs have been paid with funds from the Department) be kept by the Recipient. The inventory should include sufficient information such as the purchase date, purchase price, make, model and serial number for easy identification of the assets.
- 11.3 That the Recipient neither sell, transfer, mortgage, lease nor otherwise dispose of any capital assets purchased with such funds without the prior written consent of the Department.
- 11.4 That at the termination of the Agreement and ending of the funding relationship between the Department and the Recipient, the latter will ensure that any capital assets which have been purchased with Department funds (or purchased with insurance funds, when insurance costs have been paid with funds from the Department) but which have not been physically incorporated into the premises of the Recipient, at the discretion of the Department:
- A) be sold, at fair market value, and that the revenue be applied to eligible Project costs, which may no longer be claimed for reimbursement;



- B) be turned over to a registered charitable organization;
- C) assigned to another recipient funded by the Department; or
- D) be retained by the Recipient.

## 12.0 GENERAL

- 12.1 This Agreement may be signed in counterparts, each of which when taken together, will constitute an original Agreement.
- 12.2 The terms of this Agreement take effect as of the date the Agreement is signed by the last of the two parties to do so.
- 12.3 This Agreement is binding on the parties and their successors and permitted assigns.
- 12.4 This Agreement may be amended with the mutual consent of the Recipient and the Department. To be valid, any amendment must be in writing, in a form satisfactory to the Department, and signed by the designated representatives of both the Recipient and the Department. Any amendment shall take effect when signed by the last of the two parties to do so.
- 12.5 The Department may, by notice to the Recipient, suspend or terminate this Agreement, in whole or in part, at any time without cause upon not less than **two months** written notice of intention to terminate. In the event of a suspension, the Department will notify the Recipient of the obligations to be met. In the event of a termination notice being given by the Department under this section:
- A) the Recipient shall make no further commitments in relation to the Agreement and shall cancel or otherwise reduce, to the extent possible, the amount of any outstanding commitments in relation thereto;
  - B) all Eligible Costs incurred by the Recipient up to the date of termination, not exceeding the maximum amount of the Department's Contribution payable under this Agreement, will be paid by the Department, including the Recipient's costs of, and incidental to, the cancellation of obligations incurred by it as a consequence of the termination of the Agreement; provided that payment and reimbursement under this paragraph shall only be made to the extent that it is established to the satisfaction of the Department that the costs mentioned herein were actually incurred by the Recipient and the same are reasonable and properly attributable to the termination of the Agreement; and
  - C) the amount of any Contribution funds which remain unspent shall be promptly repaid to the Department, and such amounts shall be a debt due to the Crown.
- 12.6 All communication with respect to this Agreement shall be sent:
- A) in the case of the Department, to:  
Director of Integration  
417 Exeter Road  
London, ON, N6E 2Z3  
Canada
  - B) in the case of the Recipient, to:  
Jill Tansley  
The Corporation of the City of London  
Citi Plaza, 355 Wellington Street, Suite 248, 2nd Floor  
London, ON, N6A 4L6  
Canada
- 12.7 Any communication that is delivered will have been received on delivery; any communication sent by facsimile will be deemed to have been received one (1) day after having been sent; any communication sent by email will be deemed to have been received on the date that the email is sent, and any communication mailed by regular mail will be deemed to have been received five (5) working days after being mailed. The Recipient represents and warrants that the signatories to this Agreement have been duly authorized to execute and deliver this Agreement on its behalf.
- 12.8 The Recipient represents and warrants that the execution, delivery and performance of this Agreement have been duly and validly authorized and when executed and delivered will constitute a legal, valid and binding obligation of the Recipient enforceable with its terms.
- 12.9 The Recipient represents and warrants that it is under no obligation, prohibition or other disability, nor is it subject to or threatened by any actions, suits or proceedings which could or would prevent compliance with this Agreement and undertakes to advise the Department forthwith of any such occurrence during



the Term of the Agreement.

- 12.10 The Recipient and the Department expressly disclaim any intention to create a partnership, joint venture or joint enterprise. Nothing arising out of, related to, occasioned by or attributable to, in any way, to this Agreement shall constitute or be deemed to constitute that the Recipient and the Department are related as partners, joint venturers or principal and agent in any way or for any purpose.
- 12.11 Neither the Department, nor its employees, officers or agents, will have any liability in respect of claims of any nature, including claims for injury or damages, made by any person involved in the activities that are required of the Recipient in carrying out its obligations under this agreement, and the Recipient will indemnify and save harmless the Department, its employees, officers and agents, in respect of any such claims.
- 12.12 The Recipient will obtain any necessary third party authorizations, as required to carry out its obligations under this Agreement, from third parties who have Intellectual Property Rights or other rights affected by this Agreement. The Department will have no liability in respect of claims from any person relating to such rights, and the Recipient will indemnify and save harmless the Department from any such claims.
- 12.13 When direct services and/or activities are provided to clients, the Recipient shall erect at a suitable location on its premises a sign in both of Canada's official languages, which the Department considers appropriate, indicating that the Recipient's Project is funded by the Government of Canada.
- 12.14 Where in the opinion of the Department there is a demand, the Recipient will ensure that services and documentation intended for public use be available in both official languages.
- 12.15 In consultation with the Department, the Recipient shall ensure visibility and provide public recognition of the Government of Canada's support to the Project in publications, speeches, press releases, websites, social media or other communication material. This shall be done in a manner compliant with Canada's Federal Identity Program using a visual identifier and/or wording satisfactory to the Department, for example: "This project is funded [in part] by the Government of Canada / Ce projet est financé [en partie] par le gouvernement du Canada". The Department may, at its discretion, withdraw the requirement for recognition of federal funding, and will consult the Recipient to determine when the public recognition activities may resume.
- 12.16 Materials copyrighted to the Department and the Crown in right of Canada, remain the property of these institutions.
- 12.17 The Recipient warrants that it has not, nor has any person on its behalf, offered or promised to any official or employee of Her Majesty the Queen in Right of Canada, for or with a view to obtaining this Agreement any bribe, gift or other inducement, and it has not nor has any person on its behalf employed any person to solicit this Agreement for a commission, fee or any other consideration dependent upon the execution of this Agreement.
- 12.18 No member of the Senate or the House of Commons shall be admitted to any share or part of this Agreement or to any benefit arising from it that is not otherwise available to the public.
- 12.19 No current or former public servant or public office holder to whom the *Conflict of Interest Act*, the *Conflict of Interest and Post-Employment Code for Public Office Holders*, the *Policy on Conflict of Interest and Post-Employment* or the *Values and Ethics Code for the Public Sector* applies shall derive direct benefit from this Agreement unless the provision or receipt of such benefits is in compliance with such legislation and codes.
- 12.20 Any person lobbying on behalf of the Recipient must be registered pursuant to the *Lobbying Act*, as amended from time to time.
- 12.21 The parties agree that unless otherwise specified in writing in this Agreement, the law of the province or territory where the Recipient's head office is located shall be the applicable provincial or territorial law.
- 12.22 The Recipient shall declare in writing to the Department if the Recipient, members of its Board of Directors or any of its officers or employees engaged in this Project:
- A) were convicted during a period of three (3) years prior to the Agreement by a court of law in Canada or in any other jurisdiction for an offence involving bribery or corruption; or
  - B) are under sanction, for an offence involving bribery or corruption, imposed by a government or a governmental organization.

The Department may terminate the Agreement forthwith for default where it is found that the Recipient has omitted to declare, prior to entering into, or during the Funding Period of the Agreement, such



conviction or sanction.

12.23 The Recipient acknowledges that the name of the Recipient, the amount of the Contribution and the general nature of the Project funded may be made publicly available by the Department in accordance with the Government of Canada's commitment to proactively disclose the awarding of grants and contributions.

12.24 The Recipient acknowledges that the Department is subject to the *Access to Information Act*, RSC 1985, Chapter A-1, and information obtained by the Department pertaining to this Agreement may be disclosed to the public upon request under the aforementioned act.

The Recipient acknowledges having read and understood the Agreement in its entirety and agrees with its contents. The parties hereto have signed this Agreement through duly authorized representatives:

**Recipient**

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Position (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (YYYY-MM-DD)

**Department**

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Position (Print)

**Recipient**

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Position (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (YYYY-MM-DD)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (YYYY-MM-DD)



**Settlement Program – Schedule 1  
Statement of Planned Activities and Intended Results**

Recipient Name: <b>The Corporation of the City of London</b>	Agreement Number: <b>X223926001</b>
Agreement Title: <b>Developing a Model for a Community-Based Plan for Effective and Efficient integration of Immigrants in A Welcoming London and Middlesex Community</b>	Amendment Number:

**PROJECT DESCRIPTION AND OBJECTIVE(S):**

Currently, decisions around settlement service delivery and funding are made at the national level. When decisions do not adequately reflect local needs and priorities at the community level, services and supports for immigrants are likely to be less responsive, and the environment they live in will be less welcoming to newcomers. This impacts immigrants' economic, social, and civic-cultural outcomes in our community. This process will look at community based models for settlement service delivery & funding which take account of local needs and priorities as an alternative to present funding models used in London & Middlesex. The objective is the creation of a model for effective and efficient community-based decision-making to support the settlement and integration of immigrants. This work will address the problem by providing an opportunity for input by the local community into the creation of a new model for settlement services and funding. Our activities will be led by the LMLIP Work Group who will create an Advisory Panel made up of local stakeholders & identify a Consulting Agency who will lead the framing & evaluation of the project. Partners across London & Middlesex will participate including Anglophone & Francophone groups providing settlement and non-settlement services to newcomers, other local organizations and agencies with potential for supporting newcomers, researchers, immigrants, policy makers, and other community members with an interest in immigration.

The new model will be tested against the current model for delivery and funding of settlement services by using the results of our environmental scan and community visioning and consultations. We will assess stakeholders' perceptions of the model as increasing their capacity to support the integration of newcomers, and perceptions of whether the model is more likely to achieve this outcome. We will also assess stakeholders' increased understanding of the benefits and challenges of a coordinated approach to service delivery and funding. Finally, an independent evaluator will evaluate the final model as to it taking into account characteristics of a welcoming community and dimensions of inclusion, and its likelihood of improving service delivery and funding in London-Middlesex. The expected outcome is a more responsive model of settlement service delivery and funding that meets community needs, contributes to improved settlement outcomes for immigrants, and creates a more welcoming community.

**PLANNED ACTIVITIES:**

**Activity: 1 - Indirect - Research Activities**

**Activity Narrative:** Project Ramp-Up: Set up Community Based Advisory Planning Panel (7 Members) and LMLIP Work Group, Conduct procurement process to hire Consulting Company and hire Students/Postdoctoral Fellows.

"These groups will constitute the organizational structure to perform all the necessary functions in producing the environmental scan and community-based plan."

Quantity: 1

**Output Description:** FY 1 - 2021-2022 - Establishment of the structure needed to carry out the work.

**Quantity:** 1

**Activity: 2 - Indirect - Research Activities**

**Activity Narrative:** Environmental scan

Detailed review and analyses of research and literature pertaining to the demographic, economic and social conditions in the community, existing data on experiences of discrimination and on attitudes towards immigrants. This will be completed by combining a) a written review and analysis of research and existing documentation with b) a series of consultations. Consultations will be held in groups.

Anglophone/Francophone groups providing settlement /non-settlement services

FY2 – 2 Meetings x 60 participants = 120 participants

FY2 – 3 Focus groups x 10 participants = 30 participants

Agencies not providing services but with potential for involvement in immigrant integration

FY2 – 1 Meeting x 45 participants = 45 participants



FY2 – 3 Focus groups x 10 participants = 30 participants

Newcomers not member of organizations and community members with interest in attraction. Retention of immigrants

FY2 – 2 Meetings x 20 participants = 40 participants

Policy makers including members of City/County Councils/ committees in London and Middlesex

FY2 – 1 Meeting x 10 participants = 10 participants.

**Output Description:** An Environmental Scan will be completed to obtain a baseline with which projects results could be measured against.

**Target Number of Clients:** 275

**Activity:** 3 - Indirect - Research Activities

**Activity Narrative:** Planning Consultation, Phase 1

Building on results of the environmental scan, conduct consultations and focus groups. with a) agencies providing services, b) organizations with potential to contribute to the integration of immigrants, c) policy makers and leaders, and d) immigrants and interested individuals representing key community groups. These forward-looking consultations will draw out visions for the community, aims and objectives regarding immigration, plans in the next 3 to 5 years, resources and services needed, funding sources, methods and procedures.

Agencies providing services

FY2 – 2 Meetings x 60 participants = 120 participants

FY2 – 2 Focus groups x 10 participants = 20 participants

Organizations with potential to contribute to the integration of immigrants

FY2 – 1 Meeting x 45 participants = 45 participants

FY2 – 3 Focus groups x 10 participants = 30 participants

Policy makers and leaders

FY2 – 1 Meeting x 10 participants = 10 participants

Immigrants and interested individuals representing key community groups

FY2 – 2 Meetings x 20 participants = 40 participants

**Output Description:** Targeted outcome: Detailed information on the community needs and priorities, aims and objectives as well as resources and services needed, possible funding sources, methods and procedures

**Target Number of Clients:** 265

**Activity:** 4 - Indirect - Research Activities

**Activity Narrative:** Draft designs and models

Design models of funding structures and procedures, seeing to it that the following are duly addressed:

- Governance structures (including how decisions would be made)
- Involvement of community stakeholders (including selection, roles and responsibilities)
- Funding structures (including their advantages to the community, various sources of funding, and funding procedures)
- Mechanisms to identify potential service delivery partners, and to determine opportunities, gaps and duplications in service delivery
- Mechanisms to determine settlement, integration and community priorities
- Data collection, measurement, evaluation and reporting (including how and what would be collected and how used to support decision making)
- Communication system among stakeholders, partners and governance organization
- Procedures to ensure fairness and transparency

**Output Description:** Targeted outcome: a number of possible models. The LMLIP Planning Work Group & Advisory Planning Panel will examine these models and decide on 2- 3 possible models that would be forwarded to the wider group of stakeholders for feedback and comments.

**Quantity:** 3

**Activity:** 5 - Indirect - Research Activities

**Activity Narrative:** Planning Consultations Phase 2

Feedback will be sought from various stakeholders through solicitation of comments on the proposed models. This phase will include pre-consultation documents, where models are clearly described with explanations about the key components of the models. These documents will be sent in advance of the consultation proper. The constitution of focus groups will be determined such that participants will be able to understand the views from different perspectives. FY3 – 6 Focus groups x 30 participants – 180 participants

**Output Description:** Targeted outcome: Selection of the consensually selected model that will form the basis for our final report.

**Quantity:** 1



**Target Number of Clients: 180**

**Activity: 6 - Indirect - Research Activities**

**Activity Narrative:** Final Assessment of Project Outcomes: A final assessment of the project's success will be conducted in the form of a final project evaluation and must be completed within the Funding Period and is to be submitted to the Department within 60 days of the end of the Funding Period.

**Output Description:** 1 Final Evaluation Report

**Quantity:** 1

**SPECIFIC OUTCOMES:**

- The recipient will improve their understanding of local needs of immigrants.
- The recipient will understand the effectiveness and efficiency of a community based approach to Settlement funding and planning.
- The willingness of the community to adopt locally determined approaches to Settlement support is understood.

**EXPECTED OUTCOMES:**

- Partners deliver responsive and coordinated settlement and community services



**Settlement Program – Schedule 2  
Description of Eligible Costs**

Recipient Name: <b>The Corporation of the City of London</b>		Agreement Number: <b>X223926001</b>
Address: <b>Citi Plaza, 355 Wellington Street, Suite 248, 2nd Floor London, ON, Canada N6A 4L6</b>		
Telephone Number: <b>(519) 661-2500</b>	Facsimile Number: <b>(519) 661-5871</b>	Amendment Number:
Agreement Title: <b>Developing a Model for a Community-Based Plan for Effective and Efficient integration of Immigrants in A Welcoming London and Middlesex Community</b>		

Duration of Activity / Funding Period	From:	<b>2022-01-10</b> YYYY-MM-DD	To:	<b>2023-12-31</b> YYYY-MM-DD	Fiscal Years:	<b>3</b>
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**DEPARTMENTAL CONTRIBUTION – SEE ATTACHED SHEET FOR COST CATEGORY DETAILS**

<b>FISCAL YEAR</b>	<b>PROGRAM DELIVERY</b>	<b>ADMINISTRATIVE</b>	<b>CAPITAL</b>	<b>TOTAL CONTRIBUTION</b>
2021-2022	\$6,100	\$305	\$0	\$6,405
2022-2023	\$310,349	\$15,517	\$0	\$325,866
2023-2024	\$193,345	\$9,667	\$0	\$203,012
<b>TOTAL COST CATEGORY</b>	<b>\$509,794</b>	<b>\$25,489</b>	<b>\$0</b>	<b>\$535,283</b>





Recipient Name:

**The Corporation of the City of London**

Agreement Number:

**X223926001**

**Fiscal Year: 2021-2022**

**PROGRAM DELIVERY 1**

Qty	Line Item	Description/Details	Amount for Fiscal Year
1	Professional and consultant fees	- 3 graduate students/postdoctoral fellows to assist with the Environmental Scan	\$5,400
1	Conferences and workshops	- Honoraria for members of Advisory Planning Panel - 7 members at \$100 each	\$700

**Total - Program Delivery:** **\$6,100**

**ADMINISTRATIVE**

Line Item	Description/Details	Amount for Fiscal Year
Negotiated Administrative Rate	5%	\$305

**Total - Administrative:** **\$305**

**Total Maximum Contribution for Fiscal Year:** **\$6,405**



Recipient Name: <b>The Corporation of the City of London</b>	Agreement Number: <b>X223926001</b>
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**Fiscal Year: 2022-2023**

**PROGRAM DELIVERY 2**

**All line items/Tous les éléments**

Qty	Line Item	Description/Details	Amount for Fiscal Year
1	Professional and consultant fees	- 3 graduate students/postdoctoral fellows to assist with the environmental scan - Translation of key documents English and French	\$35,550
1	Conferences and workshops	- Space rental for consultations and focus groups - Refreshments for 500 people - Honoraria for members of Advisory Planning Panel - 7 members at \$400 each	\$9,800
1	GST/HST	applies to translation; space rental; refreshments	\$321
<b>Total All line items/Tous les éléments:</b>			<b>\$45,671</b>

**Sub Agreement Holder 1 - Consulting Company**

Qty	Line Item	Description/Details	Amount for Fiscal Year
	Professional and consultant fees	Hired Consulting company by procurement process to work on project -\$1700 per day for avg of 3.5 days a week for 28 weeks and 2.5 days for 22 weeks	\$260,100
	GST/HST	applicable for consulting company	\$4,578
<b>Total Sub Agreement Holder 1 - Consulting Company:</b>			<b>\$264,678</b>

**Total - Program Delivery:** **\$310,349**

**ADMINISTRATIVE**

Line Item	Description/Details	Amount for Fiscal Year
Negotiated Administrative Rate	5%	\$15,517

**Total - Administrative:** **\$15,517**

**Total Maximum Contribution for Fiscal Year:** **\$325,866**



Recipient Name: <b>The Corporation of the City of London</b>	Agreement Number: <b>X223926001</b>
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**Fiscal Year: 2023-2024**

**PROGRAM DELIVERY 2**

**All line items/Tous les éléments**

Qty	Line Item	Description/Details	Amount for Fiscal Year
1	Professional and consultant fees	- Independent evaluator(s) of alternative plans - Translation of key documents English and French	\$14,750
1	Conferences and workshops	- Space rental for consultations and focus groups - Refreshments for 150 people - Honoraria for members of Advisory Planning Panel - 7 members at \$400 each	\$5,300
1	GST/HST	applicable to translation; independent evaluator(s); space rental; refreshments	\$303
<b>Total All line items/Tous les éléments:</b>			<b>\$20,353</b>

**Sub Agreement Holder 1 - Consulting Company**

Qty	Line Item	Description/Details	Amount for Fiscal Year
	Professional and consultant fees	Consulting company to be hired by procurement process to work on project -\$1700 per day for avg of 2.5 days a week for 40 weeks	\$170,000
	GST/HST	applicable for consulting company	\$2,992
<b>Total Sub Agreement Holder 1 - Consulting Company:</b>			<b>\$172,992</b>

**Total - Program Delivery:** **\$193,345**

**ADMINISTRATIVE**

Line Item	Description/Details	Amount for Fiscal Year
Negotiated Administrative Rate	5%	\$9,667

**Total - Administrative:** **\$9,667**

**Total Maximum Contribution for Fiscal Year:** **\$203,012**



**Settlement Program – Schedule 3  
Terms of Payments and Financial Reporting**

Recipient Name: <b>The Corporation of the City of London</b>	Agreement Number: <b>X223926001</b>
Agreement Title: <b>Developing a Model for a Community-Based Plan for Effective and Efficient integration of Immigrants in A Welcoming London and Middlesex Community</b>	Amendment Number:

**TERMS OF PAYMENTS**

**Reimbursements**

- 1.0 The Department will make payments of the Contribution amount by reimbursements, upon receipt from the Recipient of claims for Eligible Costs, with Supporting Documentation if requested by the Department, in accordance with clause 4.1 of the Agreement.
- 2.0 During the course of the Agreement, should it be determined that advance payments are warranted for achievement of program objectives, the Department will ensure that the conditions governing the need for advances as per clause 4.5 are met. For the purposes of advance payments, the written communication between the Recipient and the Department shall constitute part of the Agreement and will supersede the advance payment clause.

**Holdback**

- 3.0 An amount of up to **5%** of the total Agreement value will represent the holdback and be disbursed to the Recipient as a final payment on receipt and approval by the Department of the final claims for Eligible Costs and deliverables, including any requested Supporting Documentation. Material submitted to the Department to support release of the holdback must be certified by a duly authorized representative of the Recipient.

**FINANCIAL REPORTING**

- 4.0 The Recipient agrees to submit to the Department:

**Forecast of Cash Flow**

4.1 An initial Forecast of Cash Flow prior to the beginning of each Fiscal Year and following any amendment to the Agreement. The Department may request submission of a revised Forecast of Cash Flow should significant variances to projected spending occur.

**Claims**

4.2 Claims for reimbursement of Eligible Costs that support the achievement of objectives shall be submitted by the Recipient, for each Fiscal Year of the Agreement, as follows:

1. April, May, June and July
2. August and September
3. October and November
4. December, January, and February
5. March

Claim 4 (December, January, and February) shall be accompanied by an estimate of anticipated costs for March. A revised Forecast of Cash Flow should be used for this purpose. Claims are to be submitted to the Department within **10 days** of the end of the reporting period.

**Annual Audited Financial Statements**

4.3 For multi-year agreements, the Recipient shall submit to the Department, the organizational annual financial statements (audited if available), within six (6) months of the Recipient's fiscal year end date.



### Settlement Program – Schedule 4 Supplementary Terms and Conditions

Recipient Name: <b>The Corporation of the City of London</b>	Agreement Number: <b>X223926001</b>
Agreement Title: <b>Developing a Model for a Community-Based Plan for Effective and Efficient integration of Immigrants in A Welcoming London and Middlesex Community</b>	Amendment Number:

The provisions of this Schedule shall be interpreted in conformity with those of the Agreement concluded by the Department with the Recipient.

#### Lobbying and Advocacy:

1. Further to clause 8.1 of the Agreement, the parties agree that the Recipient will be considered in default of the Agreement should any of the services and/or activities contemplated by this Agreement, such as, but not limited to, advisory committee meetings, outreach and networking efforts, content development workshops, or the final product(s) be organized with the express intent of lobbying or advocating against government policies or programs.
2. The parties further agree that where the Recipient has shared plans with the Department about planned services and/or activities and the Department has raised no objections in advance about those plans, they will not be considered to be organized with the express intent of lobbying or advocating against government policy or programs, provided that they are carried out with strict adherence to the pre-approved plans shared with the Department. Where plans are shared with the Department and the Department does object to any of the services and/or activities, the Recipient will either eliminate the services and/or activities objected to, or to make changes sufficient to address the Department's concerns. Where the Recipient either refuses to eliminate the services and/or activities in question or to make the changes requested by the Department, the Recipient shall be considered in default of the Agreement.

#### Communications Protocol:

1. The Recipient shall obtain the approval of the Department before preparing and issuing any announcements, press releases, brochures, advertisements or other materials that will display the Department's logo or otherwise make reference to the Department.
2. The Recipient will advise the Department at least 30 days in advance of any special event the Recipient wishes to organize in connection with the Agreement. A special event shall only be held on a date which is mutually acceptable to the Department and the Recipient. The Recipient consents to having the Department or its designates participate in any such event.

#### Requirements in Support of the Francophone Integration Pathway:

1. The Recipient shall enquire as to the official language preference of all clients.
2. The Recipient shall ensure that all clients are adequately informed about the availability of French settlement services and the possibility of settling in French in Canada when accessing services in person and when visiting the Recipient's website.
3. The Recipient shall refer clients choosing to be served in French to Francophone recipients if it does not have the capacity to deliver settlement services in French.
4. The Recipient shall develop and maintain partnerships with Francophone service providers offering settlement services in order to meet the service requirements above.

#### Performance Monitoring and Outcome Reporting for Service Delivery Improvements:

Further to Article 6.0 of the Agreement, the Department requests that the Recipient carry-out project-level performance monitoring and assessment activities in accordance with requirements set out by the Department to inform Service Delivery Improvements lessons learned, best practices, and/or outcome reporting and analysis. Recipients will be required to submit no more than 4 Project-level Learning Reports (PLLRs) over the course of the project (including the final PLLR).



The Recipient will also be required to complete a Performance Measurement Framework (PMF) template to ensure effective measurement strategies are being pursued. A PMF should be submitted no later than three months after the start of the Funding Period. Amendments to the PMF can be requested by the Recipient.

### **Narrative Reporting:**

Narrative reports shall be submitted by the Recipient for each Fiscal Year of the Agreement, as follows:

1. April to June
2. July to October

Narrative reports are to be submitted to the Department within 30 calendar days of the end of the reporting period.

### **Final Progress Report:**

Following completion of the Project, the Recipient shall submit a Final Progress Report detailing the actual achievements of the Project against the Project objective(s), planned activities, and expected results identified in Schedule 1. This report is to be submitted to the Department within 60 days of the end of the Funding Period.

### **Redistribution of Funding:**

The Recipient may redistribute funds to a Sub-Agreement Holder to carry out all or part of the Project funded under this Agreement. The Recipient remains accountable for the obligations in this Agreement and is responsible for making certain that the Sub-Agreement Holder fulfills its obligations to the Recipient. Any Sub-Agreement entered by the Recipient with Sub-Agreement Holders must respect the terms and conditions of funding set out in the Agreement.

### *Interpretation*

1. For the purposes of this Agreement, "Sub-Agreement Holder" means an organization which receives funding from the Recipient to carry out all or part of the Project under this Agreement.

### *Accountability and Management Framework*

2. The Recipient shall put in place an accountability and management framework with respect to organizations that applied for or receive funding under this Agreement, including a process for ensuring that proposals are assessed and selected in an open, impartial and fair manner. The Recipient shall provide the Department with a copy of this framework.

### *Sub-Agreements*

3. The Recipient must ensure that the responsibilities, roles and relationship between each Sub-Agreement Holder and the Recipient are clearly stated in a written Sub-Agreement. The Sub-Agreement sets out the terms and conditions under which the Recipient is providing funding. It must be consistent with the Department's Agreement with the Recipient and include the following:
  - A) the Sub-Agreement Holder's legal name and address, a description of the purpose of the funding, the date of signing and the duration of the Sub-Agreement;
  - B) the conditions attached to the funding and the consequence of failing to adhere to these conditions, including provision for a right of termination in the event of a breach;
  - C) the costs which are eligible for reimbursement and a requirement for the Sub-Agreement Holder to repay any overpayments, unexpended balances and disallowed expenses to the Recipient;
  - D) the maximum amount payable and the conditions to be met before payment is made, including the requirement for the Sub-Agreement Holder to provide the Recipient with periodic claims of eligible costs and narrative reports on the achievement against planned activities and expected results;
  - E) a provision giving both the Department and the Recipient the right to conduct an audit of the books and records of the Sub-Agreement Holder, including access to the premises of the Sub-Agreement Holder and all of its financial and non-financial records related to the Sub-Agreement to monitor compliance;
  - F) a requirement to retain all accounts and records during the term of the Sub-Agreement, and for a period of seven (7) years afterwards, including copies of all Supporting Documentation;



- G) a provision stipulating that payment of any funding under the Sub-Agreement is subject to the availability of funds and that payment of funding may be cancelled or reduced in the event that the Department cancels or reduces its funding to the Recipient; and
- H) a requirement to give appropriate recognition of the Department's contribution in its publicity and signage.

*Monitoring and Audit*

- 4. The Recipient shall exercise due diligence in the administration of its Sub-Agreements and shall take appropriate measures for ensuring compliance, including:
  - A) monitoring project activities and undertaking periodic audits or reviews of financial records, which will be provided to the Department upon request;
  - B) where there are breaches of the Sub-Agreement, taking appropriate measures to resolve the situation, including termination or legal action to enforce compliance with the terms and conditions; and
  - C) making all reasonable efforts to recover any overpayments.

**Other:**

- 1. The Recipient shall notify the Department 14 days before the start of the Annual General Meeting of the date, time and location of the meeting.
- 2. International travel is not an eligible cost and will not be reimbursed by the Department under this Agreement.

Bill No. 40  
2022

By-law No.

A by-law to approve a standard form Sub-Project Funding Agreement, for projects under the Federal Reaching Home program, and to delegate authority to execute the Agreements.

WHEREAS section 2 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters;

AND WHEREAS section 3.1 of the *Municipal Act, 2001* states that the Province acknowledges that a municipality has the authority to enter into agreements with the Crown in right of Canada with respect to matters within the municipality's jurisdiction;

AND WHEREAS section 10 of the *Municipal Act, 2001* provides that the City may provide any service or thing that the City considers necessary or desirable for the public, and may pass by-laws respecting same, and respecting economic, social and environmental well-being of the City, and the health, safety and well-being of persons;

AND WHEREAS section 6 of the *Housing Services Act, 2011* requires The Corporation of the City of London ("City") as service manager to have a plan to address housing and homelessness;

AND WHEREAS Her Majesty the Queen in right of Canada ("Canada") has established Reaching Home: Canada's Homelessness Strategy (hereinafter referred to as "the Program") to support Sub-Projects aimed at reducing homelessness, primarily through the Housing First approach, and includes Sub-Projects aimed at preventing individuals and families at imminent risk from becoming homeless;

AND WHEREAS the City has entered into a Funding Agreement with Canada wherein the City will act as the Community Entity and will administer Reaching Home: Canada's Homelessness Strategy Community Entity Designated Communities funding for the development of housing and supports ("the Project");

AND WHEREAS the Project involves the City assessing, approving and entering into funding agreements with third parties that meet the community plan priorities and terms and conditions of the Program ("Sub-Projects");

AND WHEREAS the *Municipal Act, 2001* provides authority for a municipality to delegate its powers and duties under this or any other Act to a person, subject to certain restrictions;

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

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

1. The standard form Reaching Home: Canada's Homelessness Strategy Sub-Project Funding Agreement, to be entered into between the City of London and such entities who have been selected for funding for their sub-projects in accordance with the City's Funding Agreement with Canada, substantially in the form attached as Schedule 2 to this by-law, is authorized and approved (the "Sub-Project Funding Agreement").



2. (a) The Deputy City Manager Social and Health Development and their written designates are jointly and severally delegated the discretionary power to insert the applicable required information into the standard Sub-Project Funding Agreement approved in paragraph 1.

(b) The Deputy City Manager Social and Health Development is delegated the discretionary power to:

- (i) approve the agreement with the details inserted in subparagraph 2(a); and
- (ii) execute agreements which employ this form,

on the condition that the exercise of such powers is consistent with the Reaching Home: Canada's Homelessness Strategy guidelines and applicable agreements with Canada, and that the exercise of such powers does not require additional funding or is provided for in the City's current budget, and that does not increase the indebtedness or contingent liabilities of the City, subject to prior review and approval by the Manager of Risk Management.

3. (a) The Deputy City Manager Social and Health Development and their written designates are jointly and severally delegated the discretionary power to authorize and approve such further and other documents, including amending agreements, that may be required in furtherance of the City of London's agreements with organizations that are consistent with the Reaching Home: Canada's Homelessness Strategy guidelines and applicable agreements with Canada and requirements contained in the standard form Sub-Project Funding Agreement approved in this by-law, and that do not require additional funding or are provided for in the City's current budget, and that do not increase the indebtedness or contingent liabilities of the City, subject to prior review and approval by the Manager of Risk Management.

(b) The Deputy City Manager Social and Health Development is delegated the authority to execute such documents including amending agreements approved in subparagraph 3(a).

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

PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First reading – December 21, 2021  
Second reading – December 21, 2021  
Third reading – December 21, 2021

This Agreement with effect as of \_\_\_\_\_, 20\_\_\_\_\_.

**Reaching Home: Canada’s Homelessness Strategy**

**SUB-PROJECT FUNDING AGREEMENT**

**BETWEEN**

**THE CORPORATION OF THE CITY OF LONDON  
(the “City”)**

**AND**

**[INSERT NAME OF SUB-AGREEMENT HOLDER]  
(the “Sub-Agreement Holder”)**

**Hereinafter collectively referred to as “the Parties”**

**ARTICLES OF AGREEMENT**

Whereas Her Majesty the Queen in right of Canada (“Canada”) has established Reaching Home: Canada’s Homelessness Strategy (hereinafter referred to as “the Program”) to support Sub-Projects aimed at reducing homelessness, primarily through the Housing First approach, and includes Sub-Projects aimed at preventing individuals and families at imminent risk from becoming homeless;

And Whereas the City has entered into a Funding Agreement with Canada wherein the City will act as the Community Entity and will administer Reaching Home: Canada’s Homelessness Strategy Community Entity Designated Communities funding for the development of housing and supports (“the Project”);

And Whereas the Project involves the City assessing, approving and entering into funding agreements with third parties that meet the community plan priorities and terms and conditions of the Program (“Sub-Projects”);

And Whereas the City has determined that the Sub-Agreement Holder is eligible to apply for and receive funding for the Sub-Agreement Holder’s Sub-Project and that the Sub-Project qualifies for support under the Program;

Now, therefore, the City and the Sub-Agreement Holder agree as follows:

**1.0 AGREEMENT**

1.1 The following documents and any amendments thereto, constitute the entire agreement between the Sub-Agreement Holder and the City with respect to its subject matter and supersede all previous understandings, agreements, negotiations and documents collateral, oral or otherwise between them relating to its subject matter:

- (a) These Articles of Agreement;
- (b) Schedule A – entitled “Sub-Project Description”;
- (c) Schedule B – entitled “Financial Provisions”;
- (d) Schedule C – entitled “Additional Conditions”;
- (e) Schedule D – entitled “Blanket Position Insurance Policy”;
- (f) Schedule E – entitled “Undertaking Use of the City of London Tree Logo”; and
- (g) Schedule F – entitled “French Language Services”.

**2.0 INTERPRETATION**

2.1 Unless the context requires otherwise, the expressions listed below have the following meanings for the purposes of this Agreement:

**“Eligible Expenditures”** means the expenditures which are listed in the Sub-Project Budget in Schedule B, and in compliance with the Conditions Governing Eligibility of Expenditures set out in Schedule B;

**“Fiscal Year”** means the period commencing on April 1 in one calendar year and ending on March 31 in the next calendar year;

**“Sub-Project”** means the activity described in Schedule A (Sub-Project Description);

**“Sub-Project Period”** means the period beginning on the Sub-Project Start Date specified in Schedule A and ending on the Sub-Project End Date specified in Schedule A; and

**“Working Day”** means Monday through Friday except statutory holidays.

### **3.0 EFFECTIVE DATE AND DURATION**

3.1 This Agreement shall come into effect on the date it is signed by the last of the Parties to do so and, subject to section 3.2, shall expire at the end of the Sub-Project Period unless the Agreement is terminated on a prior date in accordance with the terms of this Agreement.

3.2 All obligations of the Sub-Agreement Holder shall expressly or by their nature survive termination or expiry of this Agreement and shall continue in full force subsequent to and notwithstanding such termination or expiry until and unless they are satisfied or by their nature expire.

### **4.0 PURPOSE OF THE CONTRIBUTION**

4.1 The purpose of the City’s funding is to enable the Sub-Agreement Holder to carry out the Sub-Project. The funding shall be used by the Sub-Agreement Holder solely for the purpose of paying the Eligible Expenditures.

### **5.0 THE CITY’S CONTRIBUTION**

5.1 Subject to the terms and conditions of this Agreement, the City agrees to make a contribution to the Sub-Agreement Holder in respect of the Eligible Expenditures. The amount of the City’s contribution shall not exceed the total maximum amount specified in section 1.1 of Schedule B. The Sub-Agreement Holder shall comply with all of the requirements set out in Schedule C.

5.2 Where the Sub-Project Period covers more than one Fiscal Year, the amount payable by the City on account of its contribution in each Fiscal Year of the Sub-Project Period shall not exceed the amount shown in section 1.2 of Schedule B for that Fiscal Year.

### **6.0 AVAILABILITY OF FUNDS**

6.1 Any payment under this Agreement is subject to the availability of funds. Further, any payment may be cancelled or reduced in the event that Canada cancels or reduces its funding to the City.

## **7.0 REDUCTION OR TERMINATION OF FUNDING**

### **7.1 If**

- (a) the Program or Sub-Project is cancelled,
- (b) the level of funding for the Program for any Fiscal Year in which payment is to be made under the Agreement is reduced as a result of a governmental or departmental spending decision by Canada, or
- (c) Parliament reduces the overall level of funding for the programs of the Government of Canada's Department of Employment and Social Development for any Fiscal Year in which payment is to be made under the Agreement,

the City may reduce its funding under this Agreement or terminate the Agreement.

7.2 Where, pursuant to section 7.1, Canada proposes to reduce its funding, and where, as a result of the reduction in funding, the Sub-Agreement Holder is of the opinion that it will be unable to complete the Sub-Project or will be unable to complete the Sub-Project in the manner desired by the Sub-Agreement Holder, the Sub-Agreement Holder shall notify the City of same as soon as possible after receiving notice of the funding reduction and may, upon not less than twenty calendar (20) days written notice to the City, terminate the Agreement.

## **8.0 SUB-AGREEMENT HOLDER DECLARATIONS**

### **8.1 The Sub-Agreement Holder:**

- (a) declares that it has provided the City with a true and accurate list of all amounts owing to the City or the Government of Canada under legislation or funding agreements which were past due and in arrears at the time of the Sub-Agreement Holder's application for funding under the Program and Sub-Project named in this Agreement;
- (b) agrees to declare any amounts owing to the City or Government of Canada under legislation or funding agreements which become past due and in arrears following the date of its application for funding; and
- (c) recognizes that Canada may recover any amounts referred to in paragraph (a) or (b) that are owing by deducting or setting off such amounts from any sum of money that may be due or payable to the Sub-Agreement Holder under this Agreement.

8.2 The Sub-Agreement Holder declares that any person who has been lobbying on its behalf to obtain the contribution that is the subject of this Agreement was in compliance with the provisions of the Lobbying Act [R.S.C. 1985 c. 44 (4th Supp.)] as amended from time to time, at the time the lobbying occurred and that any such person to whom the aforementioned Act applies, has received, or will receive, no payment, directly or indirectly, from the Sub-Agreement Holder that is in whole or in part contingent on obtaining this Agreement.

## **9.0 SUB-PROJECT RECORDS**

### **9.1 The Sub-Agreement Holder shall:**

- (a) keep proper books and records, in accordance with generally accepted accounting principles, of all expenditures and revenues relating to the Sub-Project, including cash contributions received from the City and cash contributions from other sources, as well as records substantiating the receipt and value of any in-kind contributions to the costs of the Sub-Project referred to in the Sub-Project Budget in Schedule B;

- (b) keep records of all Sub-Project-related contracts and agreements and all invoices, receipts and vouchers relating to Eligible Expenditures; and
- (c) keep records of all Sub-Project-related activity, progress and evaluation reports and reports of Sub-Project reviews or audits carried out by, or on behalf of, the Sub-Agreement Holder.

9.2 The Sub-Agreement Holder shall retain the books and records referred to in section 9.1 for a period of six (6) years following the Sub-Project Period.

## **10.0 THE CITY'S AND CANADA'S RIGHT TO AUDIT**

10.1 Subject to any and all applicable law, during the Sub-Project Period and for a period of six (6) years thereafter, the Sub-Agreement Holder shall, upon request, grant representatives of the City or Canada access to the books and records referred to in section 9.0 for the purpose of conducting an audit to verify compliance with the terms and conditions of this Agreement and verify expenses claimed by the Sub-Agreement Holder as Eligible Expenditures. The Sub-Agreement Holder shall permit the City's or Canada's representative(s) to take copies and extracts from such accounts and records. The Sub-Agreement Holder shall also provide the City or Canada with such additional information as the City or Canada may require with reference to such books and records.

## **11.0 FINANCIAL AND ACTIVITY MONITORING**

11.1 During the Sub-Project Period, the Sub-Agreement Holder shall grant representatives of the City or Canada reasonable access to the Sub-Project site and business premises of the Sub-Agreement Holder, if different from the Sub-Project site, and to all Sub-Project-related books and records referred to in section 9.0 at all reasonable times for the purpose of conducting periodic financial and activity monitoring reviews of the Sub-Project. The Sub-Agreement Holder shall also, upon request, provide representatives of the City or Canada with copies and extracts from such books and records.

## **12.0 INQUIRY BY THE AUDITOR GENERAL OF CANADA**

12.1 If, during the Sub-Project Period or within a period of six years thereafter, the Auditor General of Canada, in relation to an inquiry conducted under subsection 7.1(1) of the *Auditor General Act* [R.S.C. 1985, c. A.17], requests that the City or the Sub-Agreement Holder provide them with any records, documents or other information pertaining to the utilization of the funding provided under this Agreement, the Sub-Agreement Holder shall provide to the City or to the Auditor General of Canada the records, documents or other information within such period of time as may be reasonably requested in writing by the Auditor General of Canada.

## **13.0 FINAL REPORT**

13.1 Unless the Sub-Agreement Holder is required under a schedule to this Agreement to provide another, more specific, final report outlining the results of the Sub-Project, the Sub-Agreement Holder shall provide the City with a final report that summarizes the Sub-Project scope, describes the results achieved, explains any discrepancies between the results and the planned or expected results and contains such other information as the City may specify in writing to the Sub-Agreement Holder. The Sub-Agreement Holder shall provide the City with the final report by April 15<sup>th</sup> following the Sub-Project Period.

## **14.0 EVALUATION**

14.1 The Sub-Agreement Holder agrees to cooperate with the City in the conduct of any evaluation of the Sub-Project and/or the Program named in this agreement that the City or Canada may carry out during the Sub-Project Period or within a period of three years thereafter. Without limiting the generality of the foregoing, if requested by the City or Canada to do so for the purpose of conducting an evaluation, the Sub-Agreement Holder agrees to:

(a) participate in any survey, interview, case study or other data collection exercise initiated by the City or Canada; and

(b) subject to section 14.2, provide the City or Canada with contact information of the Sub-Project partner organizations, if any, who participated in the Sub-Project, and of the members of the board of directors of the Sub-Agreement Holder.

14.2 The Sub-Agreement Holder shall provide the City or Canada with the contact information of a person (name, address, phone number and e-mail address) referred to in paragraph 14.1(b) only if the person has given their written consent to the release of the information to the City or Canada. The Sub-Agreement Holder agrees to make all reasonable efforts to secure such consent during the Sub-Project Period. When providing a person's contact information to the City or Canada, the Sub-Agreement Holder shall provide the City or Canada with an accompanying written statement certifying that the person has given their consent to the sharing of their contact information with the City or Canada.

## **15.0 CONTRACTING PROCEDURES**

### *Contracting*

15.1(1) Subject to subsection (2), the Sub-Agreement Holder shall use a fair and accountable process, involving soliciting a minimum of three bids or proposals, when procuring goods and services from contractors in relation to the Sub-Project. The Sub-Agreement Holder shall select the bid or proposal offering the best value.

(2) The requirement under subsection (1) shall apply, unless otherwise authorized in writing by the City, to all goods or services contracts valued at \$25,000 or more (including taxes and duties). The Sub-Agreement Holder must not unnecessarily divide a requirement for goods or services into a number of smaller contracts to avoid this requirement.

### *Restrictions Regarding Non Arms-Length Contracts*

15.2(1) Unless otherwise authorized in writing by the City, all goods or services contracts, regardless of their value, entered into in relation to the Sub-Project between the Sub-Agreement Holder and:

- (a) an officer, director or employee of the Sub-Agreement Holder;
- (b) a member of the immediate family of an officer, director or employee of the Sub-Agreement Holder;
- (c) a business in which an officer, director or employee of the Sub-Agreement Holder, or a member of their immediate family, has a financial interest; or
- (d) a business which is related to, or associated or affiliated with, the Sub-Agreement Holder;

require the prior written approval of the City. In any such contract, the Sub-Agreement Holder shall ensure that the City has a right of access to the relevant records of the supplying entity for the purpose of verifying, if necessary, the amount of the expenditure claimed by the Sub-Agreement Holder in relation to a contract referred to in this subsection.

(2) In this section, "immediate family" means the father, mother, step-father, step-mother, brother, sister, spouse (including common law partner), child (including child of common law partner), step-child, ward, father in law, mother in law or relative permanently residing in the household of the officer, director or employee.

### *Restrictions Regarding Sub-contracting of Sub-Agreement Holder Duties or Responsibilities*

15.3 The Sub-Agreement Holder shall not subcontract the performance of any of its duties or responsibilities in managing the Sub-Project to another party without the prior written consent of the City unless the Sub-Agreement Holder has already indicated in the approved Sub-Project Description attached as Schedule A to this Agreement that it intends to use a subcontractor or subcontractors to perform those duties or responsibilities.

## **16.0 TERMINATION OF AGREEMENT**

### *Termination for Default*

16.1(1) The following constitute Events of Default:

- (a) the Sub-Agreement Holder becomes bankrupt, has a receiving order made against it, makes an assignment for the benefit of creditors, takes the benefit of the statute relating to bankrupt or insolvent debtors or an order is made or resolution passed for the winding up of the Sub-Agreement Holder;
- (b) the Sub-Agreement Holder ceases to operate;
- (c) the Sub-Agreement Holder is in breach of the performance of, or compliance with, any provision of this Agreement;
- (d) the Sub-Agreement Holder, in support of its application for the City's contribution or in connection with this Agreement, has made materially false or misleading representations, statements or declarations, or provided materially false or misleading information to the City; or
- (e) in the opinion of the City, there is a material adverse change in risk in the Sub-Agreement Holder's ability to complete the Sub-Project or to achieve the expected results of the Sub-Project set out in Schedule A.

(2) If

- (a) an Event of Default specified in paragraph (1)(a) or (b) occurs; or
- (b) an Event of Default specified in paragraphs (1)(c), (d) or (e) occurs and has not been remedied within thirty (30) days of receipt by the Sub-Agreement Holder of written notice of default, or a plan satisfactory to the City to remedy such Event of Default has not been put into place within such time period,

the City may, in addition to any remedies otherwise available, immediately terminate the Agreement by written notice. Upon providing such notice of termination, the City shall have no obligation to make any further contribution to the Sub-Agreement Holder.

(3) In the event the City gives the Sub-Agreement Holder written notice of default pursuant to paragraph (2)(b), the City may suspend any further payment under this Agreement until the end of the period given to the Sub-Agreement Holder to remedy the Event of Default.

(4) The fact that the City refrains from exercising a remedy it is entitled to exercise under this Agreement shall not be considered to be a waiver of such right and, furthermore, partial or limited exercise of a right conferred upon the City shall not prevent the City in any way from later exercising any other right or remedy under this Agreement or other applicable law.

### *Termination for Convenience*

16.2 The City may also terminate this Agreement at any time without cause upon not less than sixty (60) calendar days written notice of intention to terminate.

### *Obligations Relating to Termination under section 7.1 or 16.2 and Minimizing Cancellation Costs*

16.3 In the event of a termination notice being given by the City under section 7.1 or 16.2,

- (a) the Sub-Agreement Holder shall make no further commitments in relation to the Sub-Project and shall cancel or otherwise reduce, to the extent possible, the amount of any outstanding commitments in relation thereto; and
- (b) all Eligible Expenditures incurred by the Sub-Agreement Holder up to the date of termination will be paid by the City, including the Sub-Agreement Holder's costs of, and incidental to, the cancellation of obligations incurred by it as a consequence of the termination of the Agreement; provided always that payment and reimbursement under this paragraph shall only be made to the extent that it is established to the satisfaction of the City that the costs mentioned herein were actually incurred by the Sub-Agreement Holder and the same are reasonable and properly attributable to the termination of the Agreement.

16.4 The Sub-Agreement Holder shall negotiate all contracts related to the Sub-Project, including employment contracts with staff, on terms that will enable the Sub-Agreement Holder to cancel same upon conditions and terms which will minimize to the extent possible their cancellation costs in the event of a termination of this Agreement. The Sub-Agreement Holder shall cooperate with the City and do everything reasonably within its power at all times to minimize and reduce the amount of the City's obligations under section 16.3 in the event of a termination of this Agreement.

## **17.0 RESERVED**

## **18.0 INSURANCE AND INDEMNIFICATION**

18.1 On the signing of this Agreement and within thirty (30) calendar days after any subsequent change or renewal of its insurance coverage, the Sub-Agreement Holder shall provide the City with evidence that it has obtained the insurance coverage required under section 18.1. The Sub-Agreement Holder shall notify the City forthwith of any lapse or termination of any such insurance coverage.

Throughout the term of this Agreement, the Sub-Agreement Holder shall maintain commercial general liability insurance on an occurrence basis for an amount of not less than Five Million Dollars (\$5,000,000) and shall include the City as an additional insured with respect to the Sub-Agreement Holder's errors and omissions relating to its obligations under this Agreement, such policy to include non-owned automobile liability, personal liability, personal injury, broad form property damage, contractual liability, owners' and contractor's protective products and completed operations, contingent employers liability, cross liability and severability of interest clauses.

The Sub-Agreement Holder shall submit a completed standard Insurance Certificate (Form #0788), and shall provide the City with a minimum of thirty days' notice in advance of cancellation of such insurance.

The City reserves the right to request such higher limits of insurance or other types of policies appropriate to this Agreement as it may reasonably require.

Failure to satisfactorily meet these conditions relating to insurance shall be deemed a breach of this Agreement.

18.2 The Sub-Agreement Holder undertakes and agrees to defend and indemnify, keep harmless, and save Canada and the City, its elected and appointed officials, officers, employees, agents, representatives, successors and assigns (collectively, the "Indemnified Parties"), at the Sub-Agreement Holder's sole expense, from and against all claims, demands, suits, losses, costs, damages and expenses that the Indemnified Parties may sustain or incur by reason of:

- (i) any breach of this Agreement by any of the Sub-Agreement Holder, the Sub-Agreement Holder's employees or persons for whom the Sub-Agreement Holder is at law responsible;
- (ii) any loss or misuse of funds held by the Sub-Agreement Holder as described in this Agreement;
- (iii) the acts or omissions of the Sub-Agreement Holder, the Sub-Agreement Holder's employees or any person for whom the Sub-Agreement Holder is at law



responsible in performing Services or otherwise carrying on the Sub-Agreement Holder's business, including any damage to any and all persons or property, whether deliberate, accidental or through negligence, and all tickets, fines or penalties;

(iv) any claim or finding that any of the Sub-Agreement Holder, the Sub-Agreement Holder's employees or persons for whom the Sub-Agreement Holder is at law responsible are employees of, or are in any employment relationship with, the City or are entitled to any Employment Benefits of any kind; or

(v) any liability on the part of the City, under the Income Tax Act (Canada) or any other statute (including, without limitation, any Employment Benefits statute), to make contributions, withhold or remit any monies or make any deductions from payments, or to pay any related interest or penalties, by virtue of any of the following being considered to be an employee of the City, from the Sub-Agreement Holder, the Sub-Agreement Holder's employees or others for whom the Sub-Agreement Holder is at law responsible in connection with the performance of Services or otherwise in connection with the Sub-Agreement Holder's business.

18.3 At its sole discretion, the City may, at any time require that the Sub-Agreement Holder obtain and maintain a Blanket Position insurance policy or equivalent Fidelity Bond. (See Schedule D).

## **19.0 RELATIONSHIP BETWEEN THE PARTIES AND NON-LIABILITY OF THE CITY**

19.1 The management and supervision of the Sub-Project are the sole and absolute responsibility of the Sub-Agreement Holder. The Sub-Agreement Holder is not in any way authorized to make a promise, agreement or contract on behalf of the City. This Agreement is a funding agreement only, not a contract for services or a contract of service or employment. The City's responsibility is limited to providing financial assistance to the Sub-Agreement Holder towards the Eligible Expenditures. The parties hereto declare that nothing in this agreement shall be construed as creating a partnership, an employer-employee, or agency relationship between them. The Sub-Agreement Holder is not an agent, employee or partner of the City. The Sub-Agreement Holder shall not represent itself as an agent, employee or partner of the City.

19.2 Nothing in this Agreement creates any undertaking, commitment or obligation by the City respecting additional or future funding of the Sub-Project beyond the Sub-Project Period, or that exceeds the maximum contribution specified in Schedule B. The City shall not be liable for any loan, capital lease or other long-term obligation which the Sub-Agreement Holder may enter into in relation to carrying out its responsibilities under this Agreement or for any obligation incurred by the Sub-Agreement Holder toward another party in relation to the Sub-Project.

## **20.0 CONFLICT OF INTEREST**

20.1 No current or former public servant or public office holder to whom the *Conflict of Interest Act* [S.C. 2006, c. 9, s.2], the *Policy on Conflict of Interest and Post-Employment* or the *Values and Ethics Code for the Public Service* applies shall derive a direct benefit from the Agreement unless the provision or receipt of such benefit is in compliance with the said legislation or codes.

20.2 No member of the Senate or the House of Commons shall be admitted to any share or part of the Agreement or to any benefit arising from it that is not otherwise available to the general public.

20.3 No individual to whom the City's Code of Conduct or Code of Ethics applies shall derive a direct benefit from this agreement.

## **21.0 INFORMING CANADIANS OF THE GOVERNMENT OF CANADA'S CONTRIBUTION**

21.1 The Sub-Agreement Holder shall allow Canada or the City sixty (60) days from the date of signature of the agreement to announce the Project or Sub-Project. During this

60 day period, the Sub-Agreement Holder shall not make any public announcements of funding, deferring all questions to Canada or the City. After the expiry of the 60 day period, the Sub-Agreement Holder may begin its own communication activities for the Sub-Project.

21.2 The Sub-Agreement Holder shall notify the City twenty (20) Working Days in advance of any initial and subsequent official ceremonies related to the announcement of the funding and promotion of the Sub-Project. The City reserves the right to approve the time, place and agenda of the ceremony.

21.3 The Sub-Agreement Holder shall notify the City fifteen (20) Working Days in advance of any and all communications activities, publications, advertising and press releases planned by the Sub-Agreement Holder or by a third party with whom it has an agreement relating to the Sub-Project.

21.4 The Sub-Agreement Holder shall ensure that in any and all communication activities, publications, advertising and press releases regarding the Sub-Project, recognition, in terms and in a form and manner satisfactory to the City, are given to the City's financial assistance to the Sub-Project.

21.5 The Sub-Agreement Holder agrees to display such signs, plaques or symbols as Canada or the City may provide in such locations on its premises as Canada or the City may designate.

21.6 The Sub-Agreement Holder shall cooperate with representatives of Canada or the City during any official news release or ceremonies relating to the announcement of the Sub-Project.

## **22.0 ACCESS TO INFORMATION**

22.1 The Sub-Agreement Holder acknowledges that the City is subject to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56 ("MFIPPA"), and information obtained by the City pertaining to this Agreement may be disclosed by the City to the public upon request under MFIPPA. The Sub-Agreement Holder further acknowledges that Canada is subject to the *Access to Information Act* [RSC 1985, Chapter A-1], and information obtained by Canada pertaining to this Agreement may be disclosed by Canada to the public upon request under the *Access to Information Act*.

## **23.0 PROACTIVE DISCLOSURE**

23.1 The Sub-Agreement Holder acknowledges that the name of the Sub-Agreement Holder, the amount of the contributions and the general nature of the Sub-Project and Sub-Project may be made publicly available by Canada or the City in accordance with the Government of Canada's commitment to proactively disclose the awarding of grants and contributions.

## **24.0 DISPOSITION OF CAPITAL ASSETS**

24.1 During the Sub-Project Period, the Sub-Agreement Holder shall preserve any capital asset purchased by the Sub-Agreement Holder with funding provided under this Agreement and shall not dispose of it unless the City authorizes its disposition.

24.2 At the end of the Sub-Project Period, or upon termination of this Agreement, if earlier, the City reserves the right to direct the Sub-Agreement Holder to dispose of any capital asset purchased by the Sub-Agreement Holder with funding provided under this Agreement by:

- (a) selling it at fair market value and applying the funds realised from such sale to offset the City's contribution to the Eligible Expenditures;
- (b) turning it over to another organization or to an individual designated or approved by the City; or
- (c) disposing of it in such other manner as may be determined by the City.

24.3 Where the City elects to exercise its right under section 24.2, the Sub-Agreement Holder agrees to comply with the related direction provided by the City.

24.4 For the purposes of section 24.0, "capital asset" means any single item, or a collection of items which form one identifiable functional unit, that:

- (a) is not physically incorporated into another product or not fully consumed by the end of the Sub-Project, and
- (b) has a purchase or lease value of more than \$1,000 (before taxes),

but does not include land or buildings purchased or leased by the Sub-Agreement Holder in connection with the implementation of the Sub-Project.

## **25.0 INTELLECTUAL PROPERTY**

25.1 Where in the course of carrying out the Sub-Project, the Sub-Agreement Holder produces any work using funds provided by the City, Sub-Project the copyright in the work shall vest in the Sub-Agreement Holder. However, the Sub-Agreement Holder hereby grants to Canada and the City a non-exclusive, irrevocable and royalty free license to use, translate, adapt, record by any means or reproduce, except for commercial sale in competition with the Sub-Agreement Holder, any such work which is produced by the Sub-Agreement Holder.

25.2 The license granted under section 25.1 shall be for the duration of the copyright and shall include:

- (a) the right to sub-license the use of the work to any contractor engaged by the City solely for the purpose of performing contracts with the City; and
- (b) the right to distribute the work as long as the distribution does not undermine any commercial use of the work intended by the Sub-Agreement Holder.

25.3 The Sub-Agreement Holder agrees to execute any acknowledgements, agreements, assurances or other documents deemed necessary by the City to establish or confirm the license granted under section 25.1.

25.4 Additionally, with respect to any work licensed under section 25.1, the Sub-Agreement Holder:

- (a) warrants that the work shall not infringe on the copyrights of others;
- (b) agrees to indemnify and save harmless the City and Canada from all costs, expenses and damages arising from any breach of any such warranty; and
- (c) shall include an acknowledgment, in a manner satisfactory to Canada or the City, on any work which is produced by it with funds contributed by Canada or the City under this Agreement, acknowledging that the work was produced with funds contributed by Canada or the City and identifying the Sub-Agreement Holder as being solely responsible for the content of such work.

25.5 The Sub-Agreement Holder shall include in the final report for the Sub-Project, which the Sub-Agreement Holder is required to submit to the City under the terms of this Agreement, a copy of any work licensed under section 25.1.

## **26.0 NOTICES**

26.1 Any notices to be given and all reports, information, correspondence and other documents to be provided by either party under this Agreement shall be given or provided by personal delivery, mail, courier service, fax or email at the postal address, fax number or email address, as the case may be, of the receiving party as shown in Schedule A. If there is any change to the postal address, fax number or email address or contact person of a party, the party concerned shall notify the other in writing of the change as soon as possible.

26.2 Notices, reports, information, correspondence and other documents that are delivered personally or by courier service shall be deemed to have been received upon

delivery, or if sent by mail five (5) Working Days after the date of mailing, or in the case of notices and documents sent by fax or email, one (1) Working Day after they are sent.

## **27.0 DISPUTE RESOLUTION**

27.1 In the event of a dispute arising under the terms of this Agreement, the Parties agree to make a good faith attempt to settle the dispute. In the event that the Parties are unable to resolve the dispute through negotiation, they agree to give good faith consideration to resorting to other alternate dispute resolution processes to resolve the dispute. However, the Parties agree that nothing contained in this section shall affect, alter or modify the rights of either Party to terminate the Agreement.

## **28.0 ASSIGNMENT OF THE AGREEMENT**

28.1 The Sub-Agreement Holder shall not assign this Agreement or any part thereof without the prior written consent of the City.

## **29.0 SUCCESSORS AND ASSIGNS**

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

## **30.0 COMPLIANCE WITH LAWS**

30.1 The Sub-Agreement Holder shall carry out the Sub-Project in compliance with all applicable federal, provincial and municipal laws, by-laws and regulations, including any environmental legislation and legislation related to protection of information and privacy. The Sub-Agreement Holder shall obtain, prior to the commencement of the Sub-Project, all permits, licenses, consents and other authorizations that are necessary to the carrying out of the Sub-Project.

30.2 The Sub-Agreement Holder acknowledges that the City is in no way liable for the failure of the Sub-Agreement Holder to comply with any laws, by-laws or regulations.

## **31.0 APPLICABLE LAW**

31.1 This Agreement shall be governed by and construed in accordance with the applicable laws of Ontario.

## **32.0 AMENDMENT**

32.1 This Agreement may be amended by mutual consent of the parties. To be valid, any amendment to this Agreement shall be in writing and signed by the parties.

## **33.0 UNINCORPORATED ASSOCIATION**

33.1 If the Sub-Agreement Holder is an unincorporated association, it is understood and agreed by the persons signing this Agreement on behalf of the Sub-Agreement Holder that in addition to signing this Agreement in their representative capacities on behalf of the members of the Sub-Agreement Holder, they shall be personally, jointly and severally liable for the obligations of the Sub-Agreement Holder under this Agreement, including the obligation to pay any debt that may become owing to the City under this Agreement.

## **34.0 COUNTERPARTS**

34.1 This Agreement may be executed in counterparts, each of which shall be deemed an original but both of which taken together shall constitute one and the same agreement. The exchange of copies of this Agreement and of signature pages by facsimile or electronic transmission shall constitute effective execution and delivery of this Agreement as to the parties and may be used in lieu of the original Agreement for all purposes. Signatures of the parties transmitted by facsimile or electronic transmission shall be deemed to be their original signatures for all purposes.

### **35.0 Obligations Excused if No Reasonable Control**

35.1 If either Party can provide evidence to the satisfaction of the other that its performance of any of its obligations under this Agreement is prevented by reason of any event or combination of events beyond its reasonable control, it shall be entitled to relief from performing each such obligation under this Agreement for such period as the event or combination of events continues to prevent performance.

35.2 Neither Party shall be entitled to claim relief in respect of any period during which it could have complied with any obligation (or any part thereof) by using its best endeavours to avoid, overcome or minimize wholly or partly the effects of the said event or combination of events.

Reasonable Endeavours – Notice - Force majeure

35.3 The Party prevented from performing any obligation under this Agreement in the circumstances contemplated in paragraph 35.1 shall notify the other as soon as it becomes aware of the event. Each of the Parties shall use all reasonable endeavours to avoid, overcome or minimize wholly or partly the effect of any event referred to in paragraph 35.1 upon the performance of its obligations under this Agreement.

**SIGNATURES**

IN WITNESS WHEREOF the parties have executed this agreement by their duly authorized officers:

**For the City:**

**THE CORPORATION OF THE CITY OF LONDON**

Date: \_\_\_\_\_

\_\_\_\_\_

Deputy City Manager Social and Health Development

**For Sub-Agreement Holder, by the following authorized officer(s):**

**{INSERT CORPORATE NAME OF SUB-AGREEMENT HOLDER}**

Date: \_\_\_\_\_

\_\_\_\_\_

\*(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

(Print Title)

\_\_\_\_\_

\*(Signature)

\_\_\_\_\_

(Print Name)

\_\_\_\_\_

(Print Title)

\*I/We have authority to bind the Corporation.

## SCHEDULE A

### SUB-PROJECT DESCRIPTION

NAME OF SUB-AGREEMENT HOLDER:
PROJECT TITLE:

<b>Agreement Holder</b>		<b>The City</b>	
Complete Mailing Address:		Complete Mailing Address:	
		The Corporation of the City of London 355 Wellington Street, PO Box 5045 London, ON N6A 4L9	
Primary Contact:	Secondary Contact:	Primary Contact:	Secondary Contact:
Telephone Number:	Telephone Number:	Telephone Number:	Telephone Number:
Fax Number:	Fax Number:	Fax Number:	Fax Number:
Email address:	Email address:	Email address:	Email address:

<b>PROJECT START DATE</b> [DAY/MONTH/YEAR]	<b>PROJECT END DATE</b> [DAY/MONTH/YEAR]	Total Number of Participants: (if applicable)	

<b>PROJECT NAME:</b>

**1. Description of Project or Services**

[Insert description of services here]

Coordinated Access

Service Provider will fully participate in the City of London Homeless Prevention housing stability system, including coordinated access, to serve individuals meeting prioritization criteria as determined by the system.

**2. Collection of Data by the Service Provider**

[Insert Data Collection Requirements]

The Service Provider agrees to use the shared installation of HIFIS as their information system as directed by the shared policies and practices of the London Homeless Prevention Network, and to ensure participant information is current wherever possible. The Service Provider agrees to use HIFIS for the disclosure of information to other homeless serving organizations in the Network, subject to the consent of the participant.

Data collection requirements may change over time and additional data collection may be required. The City of London will notify the Service Provider if there are any changes to data collection requirements.

**3. Outcomes and Targets**

[Insert program anticipated outcomes and targets here]

**4. Critical Incident Reporting**

Critical incidents are generally considered to include:

- Any death of a participant;
- any incident where emergency services are contacted;
- any life threatening situation that occurs involving a participant, including and not limited to: severe assault; accidental injuries; attempted suicide; incidents involving a fire arm; loss of consciousness related to drug overdose;
- any situation which results in the interruption of service delivery;
- any occurrence of fire resulting in damage; or,
- any other occurrence deemed relevant by the City of London.

The Service Provider will provide the City of London with Critical Incident Reports within twenty-four hours of an occurrence.



**SCHEDULE B**

**FINANCIAL PROVISIONS**

LEGAL NAME OF SUB-AGREEMENT HOLDER:
PROJECT TITLE:

**1.0 MAXIMUM CONTRIBUTION OF THE CITY**

1.1 The total maximum amount of the City’s contribution towards the Eligible Expenditures of the Sub-Project for fiscal year **INSERT DATES** is up to **\$<insert amount>** and is subject to change based on outcomes, fiscal demands and financial expenditures and forecasts.

**2.0 INTEREST EARNED ON CONTRIBUTION**

2.1 If, under section 9.0 of this Schedule, the City has made payment of its contribution by way of advances, and if the amount of interest earned on the advance payments is in excess of one hundred dollars (\$100), such interest is deemed to be part payment of the City’s contribution and will be taken into account in the calculation of the final payment by the City, or repayment by the Sub-Agreement Holder, as may be appropriate in the circumstances.

**3.0 REPAYMENT REQUIREMENTS**

3.1 In the event payments made to the Sub-Agreement Holder exceed the amount to which the Sub-Agreement Holder is entitled under this Agreement, the amount of the excess is a debt owing to the City and shall be promptly repaid to the City upon receipt of notice to do so. Without limiting the generality of the foregoing, amounts to which the Sub-Agreement Holder is not entitled include the amount of any payments:

- (a) made in error;
- (b) made for costs in excess of the amount actually incurred for those costs; and
- (c) that were used for costs that were not eligible for reimbursement under the Agreement.

3.2 Interest shall be charged on overdue repayments as determined by the City Treasurer.

3.3 The Sub-Agreement Holder acknowledges that where an instrument tendered in payment or settlement of an amount due to the City under section 3.1 is, for any reason, dishonoured, an administrative charge of \$15 is payable by the Sub-Agreement Holder to the City.

**4.0 ELIGIBLE EXPENDITURES/COSTS**

GENERAL CONDITIONS

4.1 Costs are Eligible Expenditures only if they are

- a) directly related to Sub-Project activities, and
- b) reasonable.

4.2 Costs of all goods and services acquired from business that are, in the opinion of the City, related to, or associated or affiliated with, the Sub-Agreement Holder, as the case may be, shall be valued at the cost to the supplying entity. The eligible cost of these acquisitions shall not include any mark up for profit and shall not exceed fair market value. The Sub-Agreement Holder and the City have access to the relevant records of the supplying entity for the purpose of verifying the amount of the cost claimed by the Sub-Agreement Holder, and the City is not obliged to consider the eligibility of any such cost unless access to such records is provided, if requested.

4.3 Only those costs with respect to which the Sub-Agreement Holder has incurred an obligation during the Sub-Project Period and received goods and services by the end of the Sub-Project Period are Eligible Expenditures. No costs incurred by the Sub-Agreement Holder prior to or following the Sub-Project Period are Eligible Expenditures.

4.4 The portion of the cost of any goods and services purchased by the Sub-Agreement Holder for which the Sub-Agreement Holder may claim a HST input tax credit or rebate is excluded from Eligible Expenditures and not eligible for reimbursement. The Sub-Agreement Holder, as the case may be, shall, as far as reasonable and practical take advantage of any HST rebates or input tax credits that may be available to it.

CATEGORIES OF ELIGIBLE EXPENDITURES

4.5 Where approved, a direct labour cost (including benefits) may be claimed for the work performed. The payroll rate acceptable for personnel performing the work will not exceed the prevailing rate in the same or most similar category or industry.

4.6 The Sub-Agreement Holder, may claim only that time spent directly on the Sub-Project, excluding indirect time and non-Sub-Project related time.

4.7 Direct materials, sourced internally or externally that are consumed in carrying out the Sub-Project are Eligible Expenditures.

4.8 Also eligible are costs which are specifically identified as having been incurred in the performance of a Sub-Project. In general, these could include but are not limited to, the following categories of costs:

- a) the costs of goods or services contracted out to a licensed contractor;
- b) accounting and legal costs directly related to the Sub-Project activities;
- c) overhead costs, being those costs which, though necessarily having been incurred during the Sub-Project for the conduct of the Sub-Agreement Holder's business in general, cannot be identified and measured as directly applicable to the Sub-Project. Overhead costs may include, but are not necessarily restricted to, such items as costs of a general nature such as power, heat, light, operation and maintenance of general assets and facilities, supplies, printing, publishing, distribution, promotion, advertising;
- d) services provided by an architect, engineer, or qualified project manager;
- e) the costs of purchasing, renovating or expanding buildings for use as transitional and supportive housing; and
- f) costs of the community consultation process related to the planning approval process, including the cost of hiring a community development consultant.

## 5. INELIGIBLE ELIGIBLE EXPENDITURES/COSTS

The following costs are not Eligible Expenditures:

- a) entertainment expenses;
- b) donations;
- c) fines and penalties;
- d) membership fees for clubs; and
- e) costs of constructing, buying, or renovating buildings for use as permanent housing for homeless people.

## 5.0 OTHER SOURCES OF FUNDING

5.1 The Sub-Agreement Holder agrees to declare to the City all source of funding for the activities under this Sub-Project.

5.2 The Sub-Agreement Holder agrees to inform the City promptly in writing of any change to the declaration made under section 5.1.

5.3 The Sub-Agreement Holder agrees that where there is a change to the declaration made in section 5.1, the City may, in its discretion, reduce the amount of its maximum contribution to the Sub-Project by such amount, not exceeding the amount of the change in assistance received, that it considers appropriate.

5.4 If the amount of the City's contribution already paid to the Sub-Agreement Holder exceeds the reduced maximum contribution, as determined under section 5.3, the amount of the excess shall be deemed to be an amount to which the Sub-Agreement Holder is not entitled and shall be repaid to the City in accordance with section 3.0 of this Schedule (Repayment Requirements).

5.5 Upon completion of the Sub-Project, and if the amount set out in section 1.1 is in excess of \$100,000, the Sub-Agreement Holder agrees to provide the City with a statement identifying the total funding provided from all sources for the Sub-Project, including total funding received for the Sub-Project from federal, provincial/territorial and municipal governments.

## 6.0 SUB-PROJECT BUDGET

6.1 The following is the Sub-Project Budget for [INSERT SUB-PROJECT START DATE AND SUB-PROJECT END DATE]

[Insert Sub-Project Budget]

### Budget notes:

**Harmonized Sales Tax (HST)** Only the non-rebated portion of HST is an eligible expense and can be claimed.

**Staff Wages** means any wages/salary paid by the Sub-Agreement Holder to, or on behalf of, any employee of the Sub-Agreement Holder working directly on the Sub-Project. Wages are broken down by position/role not person.

**Total Mandatory Employment Related Costs and Benefits for all Positions:** MERCS which refer to payments an employer is required by law to make in respect of its employees such as EI, and CPP/QPP premiums, workers compensation premiums, vacation pay, Employer Health Tax; and Benefits which refer to payments an employer is required to make in respect of its employees by virtue of company policy or a collective agreement. Examples of Benefits include contributions to a group pension plan or premiums towards a group insurance plan.

**Total Staff costs** are the total costs of staff wages, MERCs and Benefits for all positions.

**Administration costs:** are general administration-type costs, normally incurred by an organization to enable effective delivery of the program/Sub-Project. These include costs such as rent, phone/fax, postage/courier, office supplies, internet/website, bank charges, office moving expenses, office cleaning, security system, garbage removal/recycling, publication purchases, equipment maintenance and membership fees that are proportional to the Sub-Project. Administration cannot be more than 10% of the funding request.

**Professional Fees** include contracting for goods and services such as bookkeeping, janitorial services, information technology, equipment maintenance services, security, legal and accounting if contracted to specifically to support the audit costs and legal fees.

**Travel** includes travel costs as per your organization's practice and policies for staff. Travel costs must not exceed the guidelines of the Treasury Board of Canada:

<http://www.njc-cnm.gc.ca/directive/d10/v238/s658/en>

**Project/program costs** are costs explicitly linked to the Sub-Project/programs activities, not including wages and MERCs, such as supplies and equipment to carry out an approved Sub-Project/program. Costs can include materials, supplies, Honoraria, and participants' costs such as bus tickets.

**Facilities** means any expenditure incurred by the Recipient, in direct relation to a Project activity, towards the purchase of land or a building, construction or renovation of a building, or accomplishing any predevelopment activities leading up to any of the latter ends.

**Capital Assets** means any expenditure incurred by the Recipient towards the purchase or leasing-to-own of materials subject to the provisions of section 24.0 of the Articles of Agreement.

## **7.0 BUDGET FLEXIBILITY**

7.1 The Sub-Agreement Holder may, except in cases specified in section 7.2, make adjustments to its allocation of funds between any of the cost categories identified in the Sub-Project Budget without having to obtain the City's approval, provided the adjustments do not result in an increase in the City's maximum contribution set out in section 1.1. However, where the Sub-Agreement Holder makes an adjustment allowed by this section, it shall notify the City promptly in writing of the adjustment.

7.2 The Sub-Agreement Holder must obtain the City's written approval prior to making an adjustment to the Sub-Project Budget that increases or decreases the subtotal amount budgeted for:

- (a) any cost category identified with an asterisk (\*) by any amount; or
- (b) any other cost category, by more than 10%.

7.3 Depending upon the extent and significance of the adjustments, written approval by the City of adjustments under section 7.2 may be required by the City to be documented by way of a formal amending agreement signed by both parties.

## **8.0 CONDITIONS GOVERNING THE ELIGIBILITY OF EXPENDITURES**

8.1 The expenditures set out in the Sub-Project Budget above are Eligible Expenditures for the purposes of this Agreement. The expenditures are subject to the following conditions:

- (a) expenditures must, subject to section 7.2, be incurred during the Sub-Project Period;
- (b) expenditures must, in the opinion of the City, be reasonable;

- (c) the portion of the cost of any travel, meals and accommodation costs that exceeds the rates for public servants set out in the National Joint Council of Canada's Travel Directive is not eligible for reimbursement;
- (d) the portion of hospitality costs that exceed the rates set out in the Directive on Travel, Hospitality, Conference and Event Expenditures, Appendix 2 of Canada's Treasury Board is not eligible for reimbursement;
- (e) the portion of the cost of any goods and services purchased by the Sub-Agreement Holder for which the Sub-Agreement Holder may claim a tax credit or reimbursement is not eligible for reimbursement;
- (f) depreciation of capital assets is not eligible for reimbursement;
- (g) fines and penalties are not eligible for reimbursement;
- (h) the costs of alcoholic beverages are not eligible for reimbursement;
- (i) costs associated with software development and/or the purchase of hardware for the collection and/or management of homelessness data that results in an inability to participate in the National Homelessness Information System initiative (NHIS); and that constitutes a redundant use of funds and duplicates activities already offered through the Homeless Individuals and Families Information System (HIFIS) software are not eligible for reimbursement.

8.2 If, under the terms of this Agreement, the Sub-Agreement Holder is required to provide to the City an audited annual financial report at the end of the Sub-Project Period, and if the cost of the audit is otherwise an Eligible Expenditure, the audit cost is an Eligible Expenditure notwithstanding that it is incurred outside the Sub-Project Period.

## 9.0 TERMS OF PAYMENT

9.1 Subject to section 8.2, the City will make payments of its contribution by way of progress payments. Each payment shall cover a monthly period (hereinafter referred to as the "Payment Period") during the Sub-Project Period.

9.2 (1) Subject to subsection (2), the City may, at any time and in its sole discretion,

- (a) change the basis of payments of its contribution to the Sub-Agreement Holder to advance payments for any period during the Sub-Project Period, or
- (b) change the Payment Period to a quarterly period, or
- (c) change both (a) and (b).

(2) Where the City decides to make a payment change pursuant to subsection (1), the City shall notify the Sub-Agreement Holder in writing of the change and of the period during which the change will be applicable.

(3) For the purposes of this Schedule,

**"progress payments"** means payments to reimburse the Sub-Agreement Holder for Eligible Expenditures after they have been incurred,

**"monthly period"** means a calendar month that falls within the Sub-Project Period or, if the calendar month falls only partially within the Sub-Project Period, such portion thereof, and

**"quarterly period"**, in relation to a series of consecutive three-month periods encompassing the Sub-Project Period and beginning on the first day of the calendar month determined by the City for purposes of administering this Agreement, means such a quarter that falls within the Sub-Project Period or, if the quarter falls only partially within the Sub-Project Period, such portion thereof.

9.3(1) Where the City makes payments of its contribution to the Sub-Agreement Holder by way of advances,

- (a) each advance shall cover the Sub-Agreement Holder's estimated financial requirements for each Payment Period. Such estimate shall be based upon a cash flow forecast that, in the opinion of the City, is reliable and up-to-date; and
- (b) if the amount of an advance payment for a Payment Period exceeds the actual amount of Eligible Expenditures incurred by the Sub-Agreement Holder during the Payment Period, the City reserves the right to deduct the excess amount from any subsequent advance payment to be made under this Agreement.

(2) Where the City makes payments of its contribution to the Sub-Agreement Holder by way of progress payments, each progress payment shall cover the Sub-Agreement Holder's actual Eligible Expenditures incurred during the Payment Period as approved by the City following submission by the Sub-Agreement Holder of the financial claim for the Payment Period referred to in section 9.4.

9.4(1) Following the end of each Payment Period (monthly) of the Agreement, the Sub-Agreement Holder shall provide the City with a financial claim using a form provided by the City and signed/certified as true by an authorized official of the Sub-Agreement Holder containing:

- (a) a summary breakdown, per cost category in the Sub-Project Budget, of Eligible Expenditures incurred during the Payment Period;
- (b) an updated forecast of Sub-Project expenditures;
- (c) an activity report and the statistical data report (see Schedule C) describing the work completed on the Sub-Project during the Payment Period; and
- (d) all supporting documentation relative to the financial claim.

(2) The Sub-Agreement Holder shall submit the financial claim required under subsection (1) no later than,

- (a) if the Payment Period is monthly, 15 days following the Payment Period.
- (b) if the Payment Period is quarterly, 15 days following the Payment Period.
- (c) April 15<sup>th</sup> for the fiscal year immediately prior for fiscal reporting.

9.5 (1) The City may withhold any advance payment due to the Sub-Agreement Holder under this Agreement:

- (a) if the Sub-Agreement Holder has failed to submit when due
  - (i) a financial claim under section 9.4; or
  - (ii) any other document required by the City under this Agreement; or
- (b) pending the completion of an audit of the Sub-Agreement Holder's books and records, should Canada or the City decide to undertake such an audit.

(2) The City may also withhold any progress payments due to the Sub-Agreement Holder under this Agreement:

- (a) if the Sub-Agreement Holder has failed to submit when due any other document required by the City under this Agreement; or
- (b) pending the completion of an audit of the Sub-Agreement Holder's books and records, should Canada or the City decide to undertake such an audit.

9.6 The City may retain a holdback of an amount up to 10% of its maximum contribution at the end of the Sub-Project Period pending:

- (a) receipt and verification by the City of a final financial claim for the last Payment Period where advances have been made,
- (b) receipt and acceptance by the City of the final report for the Sub-Project that the Sub-Agreement Holder is required to submit to the City under the terms of this Agreement, and
- (c) receipt of any other Sub-Project-related record that may be required by the City.

## 10.0 ANNUAL FINANCIAL REPORTS

10.1 (1) At the end of each "Reporting Period" during the Sub-Project Period, the Sub-Agreement Holder shall provide to the City a financial report, **by APRIL 15<sup>TH</sup> for the fiscal year immediately prior**, containing:

(a) a statement setting out:

(i) the total amount received from the City under this Agreement during the Reporting Period;

(ii) the total revenue received from other sources for the Sub-Project during the Reporting Period, including cash and the value of in-kind contributions;

(iii) the total amount of GST/HST rebates and interest earned by the Sub-Agreement Holder during the Reporting Period on advances of the City's contribution if the amount of interest earned is in excess of one hundred dollars (\$100); and,

(iv) the amounts realized during the Reporting Period from the disposition of any capital assets that had been originally purchased with funds from the City's contribution under this Agreement, and

(b) an itemized statement setting out, by expenditure category as per the Sub-Project Budget, the total amount of the expenditures incurred during the Reporting Period in relation to the Sub-Project and to the corresponding approved Investment Plan.

(2) For greater certainty, failure on the part of the Sub-Agreement Holder to submit financial reports within the timeframe specified under subsection (1) may result in the City withholding payment of an advance or progress payment in accordance with subsections 9.5 (1) or (2) of this Schedule or withholding payment of any holdback retained by the City in accordance with section 9.6 of this Schedule.

(3) For the purposes of this section, "Reporting Period" means each Fiscal Year that falls within the Sub-Project Period or, if the Fiscal Year falls only partially within the Sub-Project Period, such portion thereof.

10.2 Each financial report submitted to the City pursuant to section 10.1 shall be accompanied by such supporting documentation as may be requested by the City.

***Audit Requirement***

10.3 (1) Unless otherwise notified by the City in writing, the Sub-Agreement Holder shall engage an independent licensed public accountant to audit, in accordance with Canadian generally accepted auditing standards, each financial report required under section 10. The Sub-Agreement Holder's letter of audit engagement shall include the requirements set out under section 10 of the Sub-Project Funding Agreement.

(2) If requested by the City to do so, the Sub-Agreement Holder shall allow representatives of the City to discuss any audited financial report referred to in this section with the Sub-Agreement Holder's auditors. The Sub-Agreement Holder shall execute such directions, consents and other authorizations as may be required in order to permit its auditors to discuss the report with representatives of the City and provide any requested information to them in relation to the audit.

**REACHING HOME: CANADA'S HOMELESSNESS STRATEGY  
FUNDING AGREEMENT**

**SCHEDULE C**

**ADDITIONAL CONDITIONS**

LEGAL NAME OF SUB-AGREEMENT HOLDER: [INSERT LEGAL NAME]
SUB-PROJECT TITLE: [INSERT SUB-PROJECT TITLE]

**1.0 WORK PLAN**

1.1 For each Fiscal Year that falls within the Sub-Project Period or, if the Fiscal Year falls only partially within the Sub-Project Period, such portion thereof, the Sub-Agreement Holder shall provide to the City for approval a "Work Plan" outlining the activities and timelines to be undertaken by the Sub-Agreement Holder in implementing the Sub-Project during the Fiscal Period or part thereof. Each Work Plan shall be prepared in accordance with guidelines issued by the City. A monthly activity progress report will be submitted to the City by the 15<sup>th</sup> of the month for the previous month

1.2 The Sub-Agreement Holder's approved Work Plan for the first Fiscal Year or part thereof of the Sub-Project Period is attached to and forms an integral part of Schedule A (Sub-Project Description) to this Agreement. The Work Plan for each subsequent Fiscal Year or part thereof shall be provided to the City for approval no later than thirty (30) days prior to the beginning of each Fiscal Year to which it relates. A fiscal activity progress report will be submitted to the City by April 15<sup>th</sup> for the year immediately prior. This report highlights the activities that have taken place to achieve the goal(s) and outcomes for the prior year as well as the achievements/challenges that occurred as a result of Reaching Home funded activities.

1.3 The City will notify the Sub-Agreement Holder of its approval of each subsequent Work Plan no later than thirty (30) days following receipt of each plan. Upon approval, each subsequent Work Plan shall be attached to and form an integral part of Schedule A.

1.4 The Sub-Agreement Holder shall implement the Sub-Project in accordance with the approved Work Plans. The Sub-Agreement Holder shall not make any material change to an approved Work Plan without the written approval of the City.

**2.0 DISTRIBUTION OF FUNDING TOWARDS SUB-PROJECTS**

**2.1 Conditions to Advancing the Funding**

The obligation of the City to make any advances of the funding is conditional upon the Sub-Agreement Holder satisfying the following conditions precedent, unless waived in writing by the Deputy City Manager Social and Health Development:

- (a) the Sub-Agreement Holder has provided the City with:
  - (i) proof of ownership to the property, or if the Sub-Agreement Holder does not own the property, the Sub-Agreement Holder has provided a minimum 5-year lease along with written permission from the property owner to proceed with the Sub-Project;
  - (ii) copies of mortgages registered against the property;
  - (iii) the licensing status of the property if a rooming house;
  - (iv) the Heritage status of the property under the *Ontario Heritage Act*, and whether it has a Heritage designation;
  - (v) a plan satisfactory to the City for the continued provision of client support during any disruption caused to those services while the Sub-Project proceeds;
  - (vi) a current capital budget, a work plan and a scope of work satisfactory to the City;
  - (vii) a copy of the construction contract, a construction set of drawings and specifications incorporating all requirements of the authorities having jurisdiction;
  - (viii) proof of insurance for the property acceptable to the City's Manager of Risk Management;

(b) nothing has occurred which, in the sole opinion of the Deputy City Manager Social and Health Development, could reasonably be expected to have a material adverse effect on the Sub-Project or the business, property, assets, liabilities, conditions (financial or otherwise) or prospects of the Sub-Agreement Holder;

(c) the representations and warranties of the Sub-Agreement Holder set out in Article 4.5 shall continue to be true and correct, and, if requested by the City, the Sub-Agreement Holder shall have delivered a certificate or certificates to that effect;

(d) the Sub-Agreement Holder shall not be in default (or being in default, the time provided for curing such default has not yet elapsed) under any of the terms and conditions of this agreement, or any other agreement with respect to the Sub-Project and have co-operated in participating in regular oversight meetings organized by the City; and

(e) the Sub-Agreement Holder has continued to assist and co-operate with City staff overseeing the administration of this agreement.

#### **2.1.1 Requesting the Funding**

The funding will be provided to the Sub-Agreement Holder upon receipt of the following, where applicable and as determined by the City:

- (a) copies of all invoices for work and services representing Eligible Expenditures;
- (b) the completed construction contract;
- (c) any applicable building permit;
- (d) an Electrical Safety Authority (ESA) certificate;
- (e) a statutory declaration sworn by an officer of the contractor confirming that the sub-contractors and suppliers have been paid to date;
- (f) a Workplace Safety & Insurance Board clearance certificate;
- (g) an architect's certificate of payment, a letter from an engineer or from a qualified project manager confirming the value of the work completed;
- (h) evidence satisfactory to the Deputy City Manager Social and Health Development that the Sub-Agreement Holder has no liability in respect of the Sub-Project under any construction lien or similar applicable law;
- (i) the receipt of any other report, documentation or information that may be required by the Deputy City Manager Social and Health Development, in their sole discretion, acting reasonably.

2.1.2. The Sub-Agreement Holder acknowledges and agrees that release of the funding is conditional upon receipt of confirmation that the full amount of the funding is being or has been directed to the Sub-Project, in a form and from an independent party, both satisfactory to the City, acting reasonably.

2.2 (1) The Sub-Agreement Holder must demonstrate to the City that it applies sound financial management practices and respects the highest level of integrity.

(2) Subject to subsection (3), a Sub-Project shall not be funded if a review, audit or investigation conducted by the federal government, the government of a province or a public body created under the law of a province in the previous 3 years concludes to irregularities in the organization's financial management practices or raises integrity issues.

(3) The restriction in subsection (2) does not apply if an organization demonstrates that the irregularities and issues have been resolved and that measures have been diligently put in place to prevent reoccurrence.

2.3 Reserved

2.4 Reserved

#### ***Provision of Copies of Agreements and MOUs***

2.5 Upon request, the Sub-Agreement Holder shall provide Canada with a copy of this Agreement.

#### ***Monitoring and Audit of Sub-Projects***

2.6 The Sub-Agreement Holder understands that the City is required in its agreement with Canada to exercise due diligence in the administration of its agreements with Sub-Agreement Holders. Without limiting the generality of the foregoing, in exercising due diligence, the City is required to take appropriate measures for ensuring compliance by Sub-Agreement Holders with the terms and conditions of the agreement. The Sub-Agreement Holder agrees that the City may take the certain actions in furtherance of this, including:



- (a) monitoring the Sub-Project through, as appropriate, periodic visits to the Sub-Project site or other means such as telephone calls and questionnaires,
- (b) undertaking periodic audits or inspections of financial records to verify that costs claimed by the Sub-Agreement Holder under the agreement were actually incurred and were in accordance with the agreement with them,
- (c) furnishing the Sub-Agreement Holder with necessary advice, support and training to assist it in carrying out the Sub-Project and in realizing the objectives and achieving the results of the Sub-Project,
- (d) where there are breaches of the agreement, taking appropriate measures to resolve the situation, including termination of the agreement with the Sub-Agreement Holder or legal action to enforce compliance with the agreement, and
- (e) making all reasonable efforts to recover any overpayments under the agreement.

2.7 The Sub-Agreement Holder authorizes the City to provide to Canada, upon Canada's request, a report of any monitoring review or audit of a Sub-Project undertaken by the City under section 2.6.

2.8 The Sub-Agreement Holder understands that the City is required by its agreement with Canada to cooperate with Canada in obtaining access to the Sub-Agreement Holder's financial records, and, if required by Canada, the City is required to take all necessary steps to enforce the City's and Canada's right of access to the Sub-Agreement Holder's records, including taking legal proceedings against the Sub-Agreement Holder.

### **3.0 REPORTING**

3.1 Reserved

#### ***Results/Statistical Data Reporting***

3.2 The Sub-Agreement Holder will report to the City on a monthly basis, by the 15<sup>th</sup> of the month for the prior month, a monthly report of all activities, the payments made to support those activities, and statistical data, under the terms of the Sub-Project agreement. Staff of the Sub-Agreement Holder will attend all training sessions related to reporting requirements. Revised reporting forms will be sent to Sub-Agreement Holder under separate cover.

The Agreement Holder, at the time of signing the original funding agreement, shall submit a report of the results it expects in respect of the Program (hereinafter referred to as—"Expected Results/Statistical Data Report") no later than five days after the Sub-Project Start Date, including but not limited to:

- (a) Demographics of the target population (age, gender, populations of interest, special needs):
- (b) Number of individuals and families placed into permanent housing through a Housing First Approach:
- (c) Number of individuals and families placed into more stable housing:
- (d) Number of days to move Housing First Individuals and Families into permanent housing:
- (e) Number of Housing First individuals and families who:
  - a. Remain housed at 3 months
  - b. Remain housed at 6 months
  - c. Remain housed at 12 months
  - d. Remain housed at 24 months
  - e. Moved again within this period
  - f. Successfully exited the Housing First program
  - g. Returned to homelessness
  - h. Had changes in income by income source
  - i. Had positive income transitions by type
  - j. Started an education program
  - k. Started a part-time education program
  - l. Started a full-time education program
  - m. Started employment
  - n. Had positive employment transitions by type

- o. Started a job skills training program
- p. Started volunteer work
- q. Engaged in recreational or cultural programs or services

3.3 The Sub-Agreement Holder shall provide to the City, for each Fiscal Year by April 15<sup>th</sup> for the year immediately prior or part thereof of their Sub-Projects, a Fiscal Statistical Data Report detailing the actual results achieved during the reporting period in respect of the Expected Results/Statistical Data Report submitted to the City pursuant to section 3.2. Each Fiscal Statistical Data Report shall be submitted to the City no later than April 15<sup>th</sup> for the year immediately prior. Monthly statistical data will be provided to the City by the 15<sup>th</sup> of the month for the prior month. Reporting requirements may be altered during the course of this funding agreement by the City.

Any change to the funding amount, expected outcomes, activities or end date of a Sub-Project will require a revised Expected Results Report. If a revision to an Annual Results Report of a Sub-Project is required, then the applicable reporting phase must be selected and relevant section updated. Revised Results Reports, expected or annual, are due to Canada within fourteen (14) calendar days following the approved change.

#### 4.0 REQUIREMENTS IN RESPECT OF FACILITY PROPERTY AND REPAYMENT

##### *Project Funding Used to Purchase Land or a Building for a Facility*

##### 4.1 If

- (a) funding provided for a Sub-Project is used towards the costs of purchasing land or a building to establish a new facility to provide shelter space, transitional or supportive housing or other services for the homeless, and
- (b) the amount of the funding referred to in paragraph (a) is in excess of \$50,000, the Sub-Agreement Holder shall repay as a debt owing to the City,
- (c) an amount equal to 100% of the funding referred to in paragraph (a) if,
  - (i) five (5) years following the end date of the Sub-Project, a facility that provides shelter space, transitional or supportive housing or other services for the homeless has not been established on the property referred to in paragraph (a), or
  - (ii) at any time during the five-year period following the end date of the Sub-Project, the City concludes, based on
    - (A) information provided by the Sub-Agreement Holder under section 4.7, or
    - (B) the results of a site inspection conducted by the City under section 4.9
 that the facility referred to in paragraph (a) will not be established during said five-year period and notifies the Sub-Agreement Holder of such conclusion in writing, and
- (d) an amount determined in accordance with section 4.2 if, within five (5) years following the end date of the Sub-Project, the land or building referred to in paragraph (a) is sold and the proceeds of disposition are not forthwith commuted to supporting a facility providing similar services to the homeless that is approved by the City.

4.2 The amount repayable by the Sub-Agreement Holder under paragraph 4.1(d) if the event referred to in that paragraph occurs, shall be determined as follows:

- (a) if the event occurs within one year of the end date of the Sub-Project, a sum equal to 100% of the funding referred to in paragraph 4.1(a);
- (b) if the event occurs within two years, but after one year of the end date of the Sub-Project, a sum equal to 80% of the funding referred to in paragraph 4.1(a);
- (c) if the event occurs within three years, but after two years of the end date of the Sub-Project, a sum equal to 60% of the funding referred to in paragraph 4.1(a);
- (d) if the event occurs within four years, but after three years of the end date of the Sub-Project, a sum equal to 40% of the funding referred to in paragraph 4.1(a); or

(e) if the event occurs within five years, but after four years of the end date of the Sub-Project, a sum equal to 20% of the funding referred to in paragraph 4.1(a).

#### *Project Funding Used for Construction or Renovations*

##### 4.3 If

(a) funding provided for a Sub-Project is used towards the costs of constructing or renovating a building to establish a new facility to provide shelter space, transitional or supportive housing or other services for the homeless, or towards the costs of expanding or renovating an existing facility that provides shelter space, transitional or supportive housing or other services for the homeless, and

(b) the amount of the funding referred to in paragraph (a) is in excess of \$50,000, the Sub-Agreement Holder shall repay as a debt owing to the City,

(c) an amount equal to 100% of the funding referred to in paragraph (a) if the Sub-Project referred to in that paragraph is not completed by the end date of the Sub-Project, and

(d) an amount determined in accordance with section 4.4 if the activity referred to in paragraph (a) is completed by the end date of the Sub-Project but within five (5) years following the end date of the Sub-Project either of the following events occurs:

(i) the facility ceases to operate for its intended purpose and is not used for some other service approved by the City in support of the homeless but is converted to some other use, or

(ii) the facility is sold and the proceeds or disposition are not forthwith committed to supporting a facility providing similar services to the homeless that is approved by the City.

4.4 The amount repayable by the Sub-Agreement Holder under paragraph 4.3(d) if either event referred to in subparagraph 4.3(d)(i) or (ii) occurs shall be determined as follows:

(a) for renovations representing 30% or less of the market value of the facility established as part of the project assessment process, if the event occurs within:

(i) one year of the end date of the Sub-Project a sum equal to 100% of the funding referred to in paragraph 4.3(a): or

(ii) two years, but after one year of the end date of the Sub-Project, a sum equal to 80% of the funding referred to in paragraph 4.3(a): and

(b) for construction and for renovations representing more than 30% of the market value of the facility established as part of the project assessment process, if the event occurs within:

(i) one year of the end date of the Sub-Project, a sum equal to 100% of the funding referred to in paragraph 4.3(a);

(ii) two years, but after one year of the end date of the Sub-Project, a sum equal to 80% of the funding referred to in paragraph 4.3(a);

(iii) three years, but after two years of the end date of the Sub-Project, a sum equal to 60% of the funding referred to in paragraph 4.3(a);

(iii) four years, but after three years of the end date of the Sub-Project, a sum equal to 40% of the funding referred to in paragraph 4.3(a); or

(iv) five years, but after four years of the end date of the Sub-Project, a sum equal to 20% of the funding referred to in paragraph 4.3(a).

#### 4.5 **Representations and Warranties**

(1) The Sub-Agreement Holder represents and warrants that:

- (a) it is prepared to provide any additional funds required to complete the Sub-Project should the funding under this agreement be insufficient to do so;
- (b) it is duly incorporated under the laws of the Province of Ontario or of Canada;
- (c) its Board of Directors has authorized the Sub-Agreement Holder to enter into this agreement; and
- (d) it shall not alter, supersede or cancel its articles of incorporation, letters patent, any by-law or other governing documents in any way which would affect its ability to perform its obligations under this agreement without the prior written consent of the City.

(2) The Sub-Project Holder agrees that the City shall be entitled to rely at all times on the representations and warranties set out in this Article.

4.6 Reserved

*Annual Monitoring of, and Declaration on, Facility Establishment and/or Utilization Following Completion*

4.7 If a Sub-Project involves an activity described in section 4.1 or 4.3, the Sub-Agreement Holder shall, for the number of years following the end-date of the Sub-Project in respect of which the repayment requirements in section 4.2 or 4.4, as the case may be, are applicable (hereinafter "the Monitoring Period")

- (a) annually monitor, as the case may be,
  - (i) progress made towards the establishment of the facility, or
  - (ii) the use of the facility to verify its continuing use for the purposes for which the Sub-Agreement Holder had received its funding, and

immediately notify the City if the activities leading to the establishment of a facility have ceased, the facility property has been sold or the facility has ceased to be used for its intended purposes, and

- (b) provide annually to the city, using a form provided by the City, a declaration regarding, as the case may be,
  - (i) the progress made towards the establishment of the facility during the year covered by the declaration, or
  - (ii) utilization of the facility during the year covered by the declaration.

4.8 Each annual declaration referred to in section 4.7 shall be provided to the City no later than ninety (90) days following the end of the year covered by the declaration.

4.9 During the Monitoring Period, the Sub-Agreement Holder shall ensure that representatives of the City and Canada are allowed to inspect the operation of the facility at any reasonable time to verify its continuing use for the purposes for which it was funded.

*No Mortgaging or Charging of Facility Property*

4.10 Reserved

4.11 If a Sub-Agreement Holder is carrying out a Sub-Project involving an activity described in section 4.1 or 4.3, the Sub-Agreement Holder shall not mortgage, charge or otherwise encumber the facility property during the period of the Sub-Project or during the Monitoring Period, without the prior written approval of the City. Such written approval shall not be unreasonably withheld.

4.12 The Sub-Agreement Holder shall not during the Sub-Project Period offer, list, advertise or hold out for sale or lease or otherwise offer for disposal the property on which the Sub-Project is located or any part of the Sub-Project without the prior written consent of the Deputy City Manager Social and Health Development or the City Manager.

## **5.0 ENVIRONMENTAL PROTECTION**

5.1 The Sub-Agreement Holder shall:

- (a) maintain and implement any and all environmental protection measures prescribed by the City or Canada for ensuring that the harm to the environment resulting from the Sub-Project, if any, will remain minimal; and
- (b) ensure that all environmental protection measures, standards and rules relating to the Sub-Projects established by competent authorities are respected.

## **6.0 OFFICIAL LANGUAGES**

6.1 The Sub-Agreement Holder shall complete the French Language Services Report as per Schedule F and shall:

- (a) make Sub-Project-related documentation and announcements (for the public and prospective Sub-Project participants, if any) in both official languages where applicable;
- (b) actively offer and provide in both official languages any Sub-Project-related services to be provided or made available to members of the public, where applicable;
- (c) encourage members of both official languages communities, including official language minority communities, to participate in the Sub-Project and its activities; and,
- (d) organize activities and provide its services, where appropriate, in such a manner as to address the needs of both official language communities.

## SCHEDULE D

### BLANKET INSURANCE POLICY OR EQUIVALENT FIDELITY BOND

LEGAL NAME OF SUB-AGREEMENT HOLDER:
SUB-PROJECT TITLE:

The Sub-Agreement Holder shall furnish the City with evidence of Blanket Position insurance policy or equivalent Fidelity Bond in the amount not less than the maximum amount of the City's contribution set out in Article 18 of this Agreement. The City shall be shown on the Policy as a named Obligee with respect to any loss or misuse of funds held by the Service Provider as described in this Agreement.



### Certificate of Insurance - Standard

*This is to certify that the Insured named below is insured as described:*

**\*\*\* This form must be completed and signed by your insurer or insurance broker.\*\*\***  
 Note: Proof of liability insurance will be accepted on this form only (with no amendments).

Named Insured				E-mail address	
Insured's address (street name, city, province and postal code)				Telephone number	Fax number
Type of insurance	Insurance Company (full legal name)	Policy Number	Effective Date Year Month Day	Expiry Date Year Month Day	Limits of Liability (bodily injury & property damage - inclusive)
Commercial General Liability					Occurrence \$ Aggregate \$
<input type="checkbox"/> Umbrella <input type="checkbox"/> Excess					Occurrence \$ Aggregate \$
Other (Explain.)					Occurrence \$ Aggregate \$

Commercial General Liability: **Occurrence Basis**, Including Personal Injury, Property Damage, Broad Form Property Damage, Contractual Liability, Non-Owned Automobile Liability, Owner's and Contractor's Protective Coverage, Products - Completed Operations, Contingent Employers Liability, Cross Liability Clause and Severability of Interest Clause.

Tenant's Legal Liability:  NO or  YES. . . (Limit) \$ \_\_\_\_\_

Liquor Liability:  NO or  YES

THE CORPORATION OF THE CITY OF LONDON, the London Convention Centre, Covent Garden Market Corporation, Museum London o/b London Regional Art & Historical Museums, London Public Library Board, London Police Service, Housing Development Corporation, London and London Middlesex Housing Corporation have been added as an additional Insured but only with respect to their interest in the operations of the Named Insured.

If cancelled or changed in any manner, that would affect the City of London or other scheduled additional Insured for any reason, so as to affect this certificate, thirty (30) days prior written notice by registered mail or facsimile transmission will be given by the insurer(s) to:

**The Corporation of the City of London**  
**Attention: Risk Management Division**  
 Office location: **520 Wellington Street, Unit 1** Fax: **519 661-4631**  
 Mailing address: **P O Box 5035** E-mail: **certificates@london.ca**  
**London, ON N6A 4L9**

Motor vehicle liability	Insurance Company	Policy Number	Effective Date (YYYYMMDD)	Expiry Date (YYYYMMDD)	Limits of Liability \$

*Motor Vehicle Liability - must cover all vehicles owned, or operated by, or on behalf of the insured.*

This is to certify that the Policies of Insurance as described above have been issued by the undersigned to the Insured named above and are in force at this time.

This certificate is executed and issued to the aforesaid Corporation of the City of London, the day and date herein written.

Name of insurance company or broker (completing form)		Telephone number
Address		Fax number
Name of authorized representative or official (Please print.)	E-mail address	
Signature of authorized representative or official	Date (YYYY-MM-DD)	

**SCHEDULE E**

**UNDERTAKING USE OF THE CITY OF LONDON TREE LOGO**

**Undertaking Use of the  
City of London Tree Logo**

**TO THE CORPORATION OF THE CITY OF LONDON**

---

(INSERT NAME OF INDIVIDUAL, ORGANIZATION, COMPANY)  
(herein referred to as the "party")

---

(INSERT FULL MAILING ADDRESS)

(INSERT PHONE NUMBER)

---

(INSERT EMAIL ADDRESS WHERE LOGO IS TO BE MAILED)



**Terms and conditions**

The Corporation of the City of London (herein referred to as the "Corporation") hereby grants to the party identified below a non-exclusive, non-transferable licence and permission to use and display the City of London Tree Logo (herein referred to as the "logo") subject to the party adhering to the following terms and conditions:

- 1. The party to this undertaking shall use and display the logo only in the form and in accordance with the specifications shown on, and for the purpose set out on Schedule "A" to this undertaking.
- 2. The party to this undertaking shall at all times use his/hers/its best efforts to preserve the distinctiveness, value and validity of the logo and without restricting the generality of the foregoing, shall not, without the Corporation's consent,
  - a) make any alteration to the logo;
  - b) use or adapt the logo as part of another graphic symbol or mark;
  - c) use the logo in proximity to or in conjunction with another graphic symbol or mark;
  - d) use the logo for any commercial purpose whatsoever; or
  - e) use the logo for any purpose other than as described on Schedule "A" to this undertaking.
- 3. If the Corporation so requests, the party to this undertaking shall in his/hers/its use and display of the logo include a notice or other indication to the effect that the logo is the property of and is used by the party under authorization from the Corporation.
- 4. During the term of this undertaking, the party to the undertaking shall not grant permission to any other person to use the logo.
- 5. The party to this undertaking shall during the term hereof make available to the Corporation, without expense to the Corporation, samples of any type of product or service material on or in which the logo is used or displayed.
- 6. It is hereby acknowledged by the party to this undertaking that the Corporation assumes no liability in respect of the party's use of the logo and in that regard the party to this undertaking hereby agrees to save the Corporation harmless.
- 7. The permission granted by this undertaking shall be for a period of two (2) years from the date hereof, or for the period of use described in Schedule "A" to this undertaking, whichever is shorter.
- 8. This undertaking shall terminate immediately upon an event of default specified in paragraphs 1, 2, 3, 4, 5, 6 or 7 of this undertaking where no remedy of such an event of default is completed by the party to the undertaking by such time as is specified in writing by the Clerk of the Corporation to the party to the undertaking.

I hereby accept all of the conditions with respect to the use of the logo that are set out in paragraphs 1 to 8, inclusive, of this undertaking.

Dated at London, Ontario this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(INSERT TITLE, IF APPLICABLE)

\_\_\_\_\_  
(NAME, TITLE, Approving on behalf of the City of London)



## Undertaking Use of the City of London Logo: Schedule A

Both the City of London tree logo and the components contained within the logo are registered trademarks and should not be used by third party organizations without the written permission of the City's Corporate Communications Division.

*Please check the applicable answer to the following questions, providing details where indicated*

### 1. Criteria for supplying logo.

The City will only provide its corporate logo in the event you meet one of the following criteria. Please check the option(s) that applies.

- You are a department, division, board, commission, task force or committee of the Corporation of the City of London.
- Your organization/ program/ event currently receives monetary support from the Corporation of the City of London.
- Your organization/ program/ event currently receives in kind support from the Corporation of the City of London.

Unfortunately, if you do not qualify within one of these categories, we are unable to grant you permission to use the corporate trademarked logo or any of the logo's trademarked individual components (fonts, tree icon, etc).

### 2. City of London Staff Sponsor.

The staff sponsor is a person, currently employed by the corporation, that can confirm you fall within the criteria outlined in section one.

Name: \_\_\_\_\_  
Job Title: \_\_\_\_\_  
Department: \_\_\_\_\_

### 3. This application for permission to use the City's logo is with respect to:

- Print marketing/promotional material and/or informational or educational literature.  
Please briefly describe the purpose of your communication and the form it will take. For example, advertising in a newspaper, magazine, newsletter; event invitation or program; brochure or leaflet; poster; direct mail piece, etc.

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- Electronic publication, for example, a Web site, on-line newsletter or video. Please briefly describe.

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- Other, for example, clothing, pennants, coffee mugs, balloons, etc. Please briefly describe.

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4. The date/expected period of use of the logo is: \_\_\_\_\_

5. The intended reproduction of the logo is in: \_\_\_\_\_

- o Colour (silver and green: using as applicable, Pantone: Matte stock Green 3308U and Metallic Silver 877U; Gloss stock Green 3308C and Metallic Silver 877U; CYMK Matte and Gloss Stock: Green Cyan 100, Magenta 0, Yellow 60, Black 70: Gray: Cyan 0, Magenta 0, Yellow 0, Black 25.
- o Black only
- o White only (reversed in a dark background colour)

6. The City of London is connected with this program, event, activity:

- o as a primary sponsor/participant
- o through funding support such as Cultural/Arts grants

7. A mock-up/sample layout of the intended logo application is attached.

- Yes       No

**SCHEDULE F**  
**FRENCH LANGUAGE SERVICES**

**FRENCH LANGUAGES SERVICES REPORT**

Please complete and submit this report at the time of signing the Agreement.

Sub-Agreement Holder:

\_\_\_\_\_

Sub-Agreement Holder Address:

\_\_\_\_\_

Sub-Agreement Holder Contact:

Name:

Number:

Email:

This report is to confirm that as of \_\_\_\_\_, the \_\_\_\_\_  
(Sub-Agreement Holder name) will be providing services under the City of London Sub-  
Project Funding Agreement and has an office in an area designated under the *French  
Language Services Act* ("FLSA").

The \_\_\_\_\_ (Sub-Agreement Holder name)  
confirms that as of \_\_\_\_ it will be:

- a) Providing services as identified in the description of services to the public in French in all of its locations located in or serving an area designated as part of the services delivered through this Agreement.
- b) Making it known to the public, including by way of signs, notices, other information on services, and initiation of communications in French, that services provided to and communications with the public in connection with the funding under this Agreement.

I declare that the above information is true and complete.

\_\_\_\_\_  
Sub-Agreement Holder Signature

Name:

Title:

I have the authority to bind the \_\_\_\_\_  
(Sub-Agreement Holder name)

Dated at \_\_\_\_\_ (Sub-Agreement Holder name) this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

As a Sub-Agreement Holder that will be receiving funding under the City of London Sub-  
Project Funding Agreement and having locations located in or serving an area

designated under the *French Language Services Act*, please complete the section below.

**Sub-Agreement Holder Name:** \_\_\_\_\_

**Name of Designated Area(s):** \_\_\_\_\_

**Description of Funded Activity**

Please select all items that apply to the funded activities you will be providing under the City of London Sub-Project Funding Agreement in a location that is located in or services a designated area.

- Signage and visibility of available services in French
- Over-the-counter services are available in French
- Written correspondence and telephone service are available in French
- Translation of written material produced for public use is available in French
- Other (please specify)

Please list any services or locations in designated areas where these French language services will not be provided. Please explain.

Bill No. 41  
2022

By-law No.

A by-law to adopt Environmental Management  
Guidelines

WHEREAS the London Plan for the City of London Planning Area – 2016 includes policies for environmental management guidelines for setting out in more detail the requirements of environmental studies for development and site alteration;

AND WHEREAS the attached Environmental Management Guidelines are environmental management guidelines pursuant to policy 1423\_ of the London Plan for the City of London Planning Area – 2016;

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

1. The Environmental Management Guidelines, as attached hereto and forming part of this by-law, is adopted.

PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

# City of London Environmental Management Guidelines

Prepared for the  
City of London

December, 2021

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## **List of Acronyms and Abbreviations**

ANSI.....	Areas of Natural and Scientific Interest
CFZ.....	Critical Function Zone
COSEWIC .....	Committee on the Status of Endangered Wildlife in Canada
COSSARO .....	Committee on the Status of Species at Risk in Ontario
COTTFN .....	Chippewas of the Thames First Nation
EA .....	Environmental Assessment
EOPAC.....	Environmental and Ecological Planning Advisory Committee
ELC.....	Ecological Land Classification
ESSC.....	Environmental Study Scoping Checklist
EIS.....	Environmental Impact Study
EMG.....	Environmental Management Guidelines
ER .....	Environmental Review
ESA .....	Environmentally Significant Areas
GIS .....	Geographic Information System
IPR .....	Initial Proposal Report
LIO .....	Land Information Ontario
MBCA .....	Migratory Bird Convention Act
MCC.....	Mean Coefficient of Conservatism
MDN.....	Munsee-Delaware Nation
MECP .....	Ministry of Environment, Conservation and Parks
MNRF .....	former Ministry of Natural Resources and Forestry
MNDMNRF .....	Ministry of Northern Development, Mines, Natural Resources and Forestry
NHS.....	Natural Heritage System
Oneida.....	Oneida Nation of the Thames
OWES .....	Ontario Wetland Evaluation System
PSW .....	Provincially Significant Wetlands
SAR .....	Species At Risk
SWH.....	Significant Wildlife Habitat
SLSR .....	Subject Land Status Report
TRT .....	Technical Review Team

Please note these Environmental Management Guidelines (2021) incorporate updates to and supersede the former Environmental Management Guidelines (2007) in accordance with **The London Plan** (Policies 1432\_ and 1424\_). The specific locations and cross-references to the updated guidelines are summarized below.

<b>Former Natural Heritage System Guideline (as listed in The London Plan Policy 1719)</b>	<b>Superseded by the Section in these Environmental Management Guidelines (2021) (as listed below)</b>	<b>The London Plan Policy Cross-Reference</b>
<i>4. Guide to Plant Selection for Natural Heritage Areas and Buffers</i>	Key guidance included in Section 5 Determining Ecological Buffers.	1719_
<i>5. Guideline Documents for Environmentally Significant Areas Identification, Evaluation and Boundary Delineation</i>	Section 3 Evaluation of Significance and Ecological Function, Section 3.2 Environmentally Significant Areas (ESAs)	1367_, 1369_, 1719_
<i>6. Guidelines for Determining Setbacks and Ecological Buffers</i>	Section 5 Determining Ecological Buffers	1350_, 1414_, 1719_
<i>7. Guidelines for the Evaluation of Ecologically Significant Woodlands</i>	Section 3 Evaluation of Significance and Ecological Function, Section 3.1 Significant Woodlands and Woodlands	1340_, 1342_, 1719_
<i>8. Guidelines for the Preparation and Review of Environmental Impact Studies</i>	Section 2 Preparation of Environmental Studies, Section 2.6 Environmental Impact Studies	1413_, 1719_

## Acknowledgements and Commitment to Review

The process for updating the former Environmental Management Guidelines (2007) involved a two year exercise over 2019, 2020 and 2021 that included three rounds of engagement and more than 20 meetings with various external resource groups including local nature groups, development organizations, Conservation Authorities, the City's Environmental and Ecological Planning Advisory Committee (EEPAC) and the First Nations communities within close proximity to the City of London. Through this process hundreds of comments from various perspectives and disciplines were received and many have been incorporated in this document.

This collaborative process has facilitated a comprehensive review of and update to these guidelines, and resulted in a document that is:

- more streamlined
- clarifies how environmental planning under the City's jurisdiction is intended to be implemented, and
- is aligned with the environmental policies in *The London Plan*.

The City sincerely thanks all partners and participants for their input to date, and looks forward to continuing to work together to ensure that these guidelines help implement environmental policy in the City in accordance with *The London Plan*, while also complementing other applicable regulations, policies and guidelines at the federal, provincial and regional levels.

The City recognizes that while these Environmental Management Guidelines (EMGs) represent a comprehensive update to the prior guidelines, that it is desirable and appropriate to provide a transparent process for regular refinements and updates to this document (e.g., in response to new information, opportunities to provide additional clarification, etc.). To this end, the City is committed to continuing to accept comments, engaging with its partners and considering comments received. The intent is to undertake such reviews on a biennial basis.

*Special thanks to Dr. Gary Epp, Jillian deMan and many others at AECOM for undertaking the research, facilitating the engagement, and providing multiple drafts of and graphics for this document. Thanks also to Margot Ursic of Grounded Solutions Services Ltd. for her input.*

## Introduction

The following Environmental Management Guidelines (EMGs) are intended to provide technical guidance in implementing the environmental policies of **The London Plan** (2016a; hereafter **The London Plan**) as they relate to the identification, delineation and protection of the natural heritage features and areas that form the City of London’s Natural Heritage System (NHS). The Natural Heritage policies of **The London Plan** provide direction for the identification and protection of natural heritage features and areas and the ecological functions, processes, and linkages that they provide over the long term.

The City of London has prepared these EMGs for the effective, consistent, and streamlined implementation of City policies and legislation related to the protection of the NHS. These guidelines have been developed to align with and complement the applicable federal, provincial and Conservation Authority regulations and policies, and are not meant to supplant those policies. These guidelines have also been developed with careful consideration for relevant municipal planning processes, data sources, current scientific knowledge and best management practices. As an integral part of the environmental planning process in the City, these guidelines also include the provisions for stakeholder and First Nations engagement and consultation.

These guidelines provide an overarching framework, criteria and technical guidance for implementing environmental policies related to the NHS. However, it is recognized that each planning application and each study area is unique, and that these EMGs do not replace the need for professional and technical expertise to both scope and undertake the work required. It remains the responsibility of the proponent to review the full suite of applicable policies and regulations, be familiar with the current and relevant scientific and technical literature, and to work with the City and other agencies as needed (e.g., local Conservation Authorities, the Province) to ensure the policies and regulations are implemented as intended.

This document replaces the previous Environmental Management Guidelines (2007) and consolidates a series of other guideline documents as listed in 1719\_ including 1340\_, 1342\_, 1350\_, 1367\_, 1369\_, 1413\_, and 1414\_.

## The London Plan

**The London Plan** identifies these EMGs as a source of technical guidance to facilitate in the implementation of its Natural Heritage policies. These policies are based on the *Provincial Policy Statement* which represents minimum standards. “*Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement* (MMAH, 2020). The requirement for the preparation and up-date of these guidelines is outlined in **The London Plan**:

*The City may prepare environmental management guidelines setting out in more detail the requirements of environmental studies for development and site alteration. Environmental studies are the means by which the City establishes the precise boundaries of natural features and areas and the significant ecological functions within them. They also assess the potential impacts of development and site alteration on the Natural Heritage System and on their adjacent lands, and are required prior to the approval of development to prevent negative impacts on the Natural Heritage System, and to demonstrate that there will be no negative impacts on the natural heritage features and areas or their ecological functions. (Policy 1423\_)*

*These guidelines shall be updated as required to reflect changes to provincial policy and technical documents and to reflect improvements in scientific knowledge regarding natural features and ecological functions” (Policy 1424\_).*

These EMGs also identify related requirements from other policies and legislation (e.g., *Provincial Policy Statement, Endangered Species Act*, etc.) that must be considered, where appropriate. Additional related requirements and / or studies may be required as part of the approvals process under provincial, federal, or Conservation Authority’s jurisdiction (e.g., Overall Benefits Permits for Species at Risk, additional hydrogeological studies under the *Conservation Authorities Act*, etc.) which will be identified by those agencies through the approvals process.

## First Nations Engagement & Consultation

The City of London recognizes the importance of creating a working relationship with neighbouring First Nations communities and exploring opportunities for collaboration on common objectives, and has incorporated feedback from the following First Nation communities in to the EMG update process:

- Chippewas of the Thames First Nation (COTTFN);
- Munsee-Delaware Nation (MDN); and,
- Oneida Nation of the Thames (Oneida).

Early engagement and consultation with local First Nation communities within the vicinity of the Thames River (typically 120 m) provides important insight, and information, and is critical in protecting the NHS within and beyond the City of London’s boundaries. Consultation is based on whether a proposed development will have a direct or indirect effect on the Thames River.

COTTFN, MDN and Oneida have a deeply spiritual, cultural and practical reliance on the river that flows downstream of the City of London, through their communities. Early engagement and consultation will allow the communities sufficient time to assess, conduct early consultation with their respective advisory committees, and Chiefs and Councils (if required) and formulate a response back to the developer. Proponents are expected to plan and budget for First Nations engagement and consultation. It is expected that the applicable consultation protocols will be followed for each of the First Nations being engaged.

The following subsections, provided by each of the respective First Nations, outlines the background and distinctiveness of each Nation and provides links to information about how they can and should be contacted for engagement.

### Chippewas of the Thames First Nation

Chippewas of the Thames First Nation (COTTFN) is an Anishinabek community also known as Deshkan Ziibiing (At/On/In Antlered [Thames] River in the Ojibway language). Their community is approximately 10,800 acres in size, and is located southwest of London, Ontario. There are roughly 3000 members, with nearly 1000 members living on-reserve. Their people and ancestors have lived and travelled throughout Turtle Island (North America) for countless generations. Traditions of hunting, fishing, and storytelling endure to this day, and will be passed on for countless generations to come.

COTTFN has developed its own consultation protocol called Wiindmaagewin (to talk through) — a document and a process that will guide the development of positive working relationships. The



background to the consultation process, along with Wiindmaagewin can be reviewed at the following link: <https://www.cottfn.com/consultation/>.

### Munsee-Delaware Nation

The traditional lands of the Munsee speaking peoples covered an area in what is now the United States, from the mouth of the Delaware River up to its source, then east to the Hudson River and then south to its mouth and including Manhattan and Staten Islands. Their language is one of the oldest of the Algonkian languages and is acknowledged by the Algonkian speaking peoples as Grandfather.

The ancestors of Munsee-Delaware Nation (MDN) moved to their present location in 1783 based on a promise from the Crown for land lost in the United States. MDN has developed its own policy for “receiving free, prior and informed consent from Munsee-Delaware Nation” outlined in the Munsee-Delaware First Nation Consultation and Accommodation Policy. General and contact information for MDN can be found at their website: <http://munseedelaware.squarespace.com/>.

### Oneida Nation of the Thames

Established in 1840 as the ‘Oneida Settlement’, the Oneida people are known within the Iroquois Confederacy as Onyota’a:ka (People of the Standing Stone). Much like their ancestors, the Oneida peoples of today, maintain a deeply rooted connection to the land and to their Iroquois culture and traditions.

The Oneida Nation of the Thames (Oneida) is home to 2,172 residents and has a total membership of 6,270. Located in picturesque southwestern Ontario, the Oneida Nation Settlement borders lush and fertile agricultural lands and is nestled along the eastern shore of the Thames River 30 kilometres south of the City of London. General and contact information for the Oneida Nation can be found at their website: <https://oneida.on.ca/>

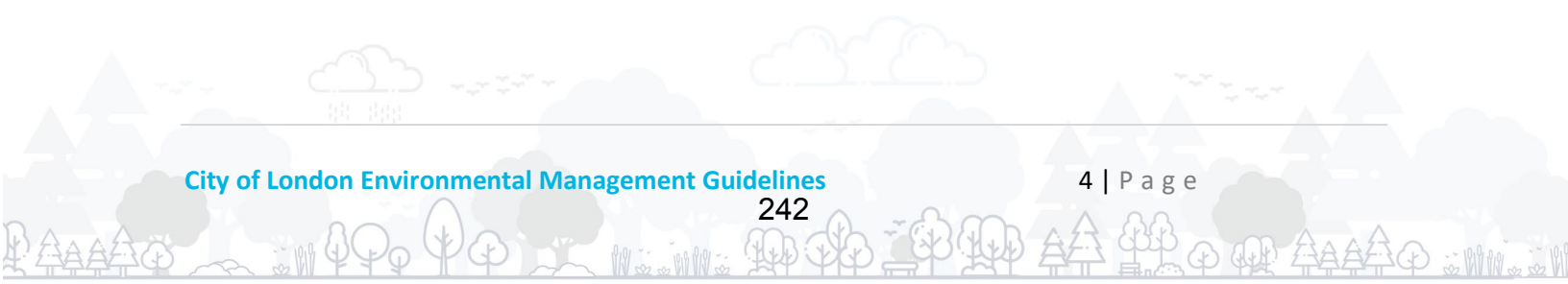
### Guideline Document Organization

This Environmental Management Guidelines document is comprised of the following six separate, but complementary guidelines:

- Section 2: Preparation of Environmental Studies (superceding *1.0 Guidelines for the Preparation and Review of Environmental Impact Statements (EIS)*);
- Section 3: Evaluation of Significance and Ecological Function (superceding *2.0 Data Collection Standards for Ecological Inventory* and *4.0 Guidelines for the Evaluation of Ecologically Significant Woodlands*);
- Section 4: Boundary Delineation (superceding *3.0 Guideline Documents for Environmentally Significant Areas Identification, Evaluation and Boundary Delineation*);
- Section 5: Buffer Determination (superceding *5.0 Guidelines for Determining Setbacks and Ecological Buffers*);
- Section 6: Ecological Compensation; and,
- Section 7: Environmental Monitoring.

In general, these guidelines are organized in chronological order in which they are intended to be undertaken. However, there is considerable reference between and among sections and some of the work must be undertaken iteratively to ensure that the processes are being completed efficiently and

effectively. It is important to consider information from all of the guidelines outlined in this document, as well as external sources of information, as applicable.



# Preparation of Environmental Studies

## Pre-consultation and Determination of Required Studies

**The London Plan** identifies various studies that may be required to ensure the protection of the City's NHS. The determination of the type of studies, plans and reports that are needed to support an application for development, or site alteration project requires pre-consultation with the City of London and conformance with these Environmental Management Guidelines (EMGs). In cases where the proponent or applicant is a party other than the City pre-consultation will involve the preparation of the study Terms of Reference (ToR) by the proponent/applicant through engagement with City staff, including the Ecologist Planner.

The City of London's Development Application Approval Process includes mandatory pre-consultation through the submission of an Initial Proposal Report (IPR) followed by a Proposal Review Meeting. A depiction of the Environmental and Development / Infrastructure Process Timeline including where IPR stage occurs in the process can be found in **Appendix A**.

One of the key components of the Proposal Review Meeting is the identification of the studies required for a complete application. The information and level of detail required for the IPR submission is outlined in the City of London's Initial Proposal Report Guidelines (2008) as updated from time to time.

An environmental study will often be coordinated with, and draw on information from, other inter-related technical studies that may or may not include: hydrogeological, hydrological/stormwater management, geotechnical, noise and vibration, air quality, etc.

## Subject Lands versus Study Area

To determine if an environmental study is required and, if one is required how it should be scoped, there must be consideration for natural heritage features and areas as well as their adjacent lands. As per **The London Plan** Policy 1382\_ "Adjacent lands are defined as lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area". **The London Plan** (Table 13) specifies that adjacent lands, which are 120 m for most NHS components and 30 m for a few others<sup>1</sup>.

- **Subject lands:** The **subject lands** are typically the limits of the lands owned by the proponent, but can also be the limits of disturbance associated with proposed works (e.g., in the case of infrastructure upgrades on public lands).
- **Study area:** Environmental studies typically need to consider features and functions beyond the subject lands. Confirmed, unevaluated or potential natural heritage features identified through the initial screening process and their adjacent lands need to be considered where they intersect with the subject lands. These features and areas are to be considered through the environmental study scoping process and, potentially, as part of the environmental study itself, as part of what can be referred to as the "study area",

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<sup>1</sup> As per Table 13 of **The London Plan**, environmental studies must be considered for areas within 120 m of Fish Habitat, Habitat of Endangered and Threatened Species, Provincially Significant Wetlands (PSWs), Unevaluated Wetlands, Significant Woodlands, Significant Valleylands and Valleylands, Significant Wildlife Habitat, Areas of Natural and Scientific Interest, and Environmentally Significant Areas. Environmental studies must also be considered for areas within 30 m of Woodlands, Upland Corridors and Wetlands while distances from mapped Environmental Review lands will depend on the nature of the feature.

While in some cases the subject lands and the study area may be the same, generally when natural heritage is involved, the study area encompasses the subject lands plus:

- natural heritage features and areas that fall within the subject lands and extend beyond the subject lands boundaries (in whole or in part), and / or
- natural heritage features that are outside the subject lands but whose adjacent lands fall within the subject lands boundaries.

The boundaries of the study area should be confirmed as part of the environmental study scoping process outlined below. It is understood that it may only be possible to collect site-specific data within the subject lands, and that information related to the broader study area outside the subject lands will often be based on other sources of available information.

### Environmental Study Scoping

Following the determination of the type of environmental study required, scoping of the study requirements must be completed. Study scoping ensures that the proponent, the City of London, relevant agencies, and the applicable City Advisory Committees agree to the required investigations, assessments and documentation.

Environmental study scoping shall include the following:

- **Preconsultation** to confirm the study area and determine the type of environmental study(ies) anticipated to be required (see **Section 2.1**) Completion of a Draft **Environmental Study Scoping Checklist (ESSC)** (see **Section 2.2.1** and **Appendix B**)
- An environmental study **scoping meeting**(see **Section 2.2.2**), and
- **Finalizing the environmental study scope** and ESSC Checklist (see **Section 2.2.3**).

The following sub-sections outline the general requirements for environmental study scoping.

### Environmental Study Scoping Checklist (ESSC) / Terms of Reference

The completion of the ESSC is the first step in determining the scope of the environmental study, whether it is for the Natural Environment component of an Environmental Assessment (EA) for an infrastructure project, a Subject Land Status Report (SLSR) or an Environmental Impact Study (EIS) for a land development application. The ESSC constitutes the Terms of Reference (ToR) for the study and is referred to as the ESSC hereafter.

The proponent and / or their consultant is required to complete the ESSC as a draft for submission to the City of London.

**Appendix B** provides a template for the ESSC.

### SLSR and EIS Study Scoping Meeting

The proponent for an environmental study must prepare and submit an environmental study scoping letter that includes a brief summary of the project, identifies the study area, provides the draft ESSC and a request to the City of London to convene an environmental study scoping meeting (scoping meeting). The environmental study scoping letter should be circulated to the Technical Review Team (TRT) prior to the scoping meeting. The intent of the scoping meeting is to review, discuss and agree to the ESSC for the environmental study to the satisfaction of the City.

The scoping meeting should be held with the proponent and the Technical Review Team (TRT). Typically the TRT will include a City Ecologist Planner and the City's Planner or Project Manager for the file, a representative from the local Conservation Authority, a representative from the City's applicable City Advisory Committees, and, where applicable, a First Nations community representative. Other TRT members may include representatives from the Province<sup>2</sup> (e.g., related to Species at Risk), or other agencies.

During the scoping meeting the attendees will discuss comments and review the draft ESSC. The limits of the study area, the scope of the study investigations, the required evaluations and assessments, considerations for avoidance, mitigation and compensation, and required documentation and coordination with other studies / disciplines, where required, shall be discussed and agreed to. The TRT is to provide comments on the draft ESSC.

The City of London may request a site visit, including TRT members, as part of the scoping process if it is determined that a site visit would inform the study scoping.

### Environmental Study Scoping Checklist Approval

Once all comments regarding the draft ESSC have been received by the proponent, the ESSC shall be finalized and sent to the City of London for approval. The City of London will then send written (e-mail or letter) approval and finalized copy of the ESSC to the proponent and the scoping meeting attendees.

The final ESSC will form the basis for the Environmental Study scope. The proponent and their consultant(s) may then proceed to conduct the required investigations.

In cases where field investigations are time-sensitive, the proponent may choose to initiate investigations prior to finalization of the ESSC. However, conducting investigations prior to ESSC finalization is done at the proponent's risk should the investigations conducted not meet the finalized ESSC requirements.

### Background Information Review & Field Investigations

While the level of effort required to undertake a SLR and / or EIS may vary significantly in level of effort and detail, they both require a background information review and field investigations.

A comprehensive background review of existing reports, atlases, information centers, databases, etc. is an important first step in establishing an understanding of the environmental conditions of a project site. Agency, First Nations, stakeholder and environmental organization consultation and / or engagement is an integral part of the background review and should include information requests for the study. Further details regarding background review requirements are provided in the City of London's **Data Collection Standards** found in **Appendix C**.

In some cases, field investigations may not be required if recent investigations have been completed to an appropriate level of detail, or if there are no natural heritage features within or adjacent to the subject lands. In such cases a site visit to confirm the absence of features and other conditions requiring assessment should be completed. Further details regarding field investigation requirements are provided in the City of London's **Data Collection Standards** found in **Appendix C**.

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<sup>2</sup> To avoid having to update this document every time a provincial ministry is renamed or re-organized, for all references to Provincial data sources, regulations, policies and guidelines this document simply refers to "the Province" rather than a specific ministry (e.g., Ministry of Environment, Conservation and Parks) or branch (e.g., Species at Risk).

## Subject Lands Status Reports (SLSR)

Consistent with **The London Plan** policies 1425 to 1428, a SLSR shall provide an assessment of natural features and areas on the subject lands with consideration for natural heritage features and areas in the broader study area including, but not limited to:

- those areas included in the Green Space or Environmental Review (ER) Place Types on Map 1 (**The London Plan**)
- any components of the NHS identified or delineated on Map 5 (**The London Plan**), and
- any unmapped features identified through the scoping process.

The objective of an SLSR is to inventory, evaluate, assess the significance of, delineate boundaries of, and make recommendations for protection of the NHS components on the subject lands in accordance with the applicable environmental regulations, policies and guidelines. This information may be used to inform refinements or updates to the applicable land use designation.

An SLSR must be scoped with the City and in consultation with relevant agencies. The SLSR shall address all of the items identified in the final site-specific ESSC and may require technical information from other disciplines (e.g. geotechnical, hydrogeology) to inform the assessment of natural heritage features and functions.

In cases where the initial scoping identified a need for a SLSR but the proponent wished to move forward with an EIS, the information and analyses within a SLSR may be carried forward into the EIS, as appropriate.

Alternately, rather than submitting a SLSR a proponent, in consultation with the City and other agencies, may submit a Draft EIS that addresses existing natural heritage conditions, and related constraints and opportunities related to development for review and confirmation by the City, in consultation with relevant agencies, prior to completing the balance of the EIS.

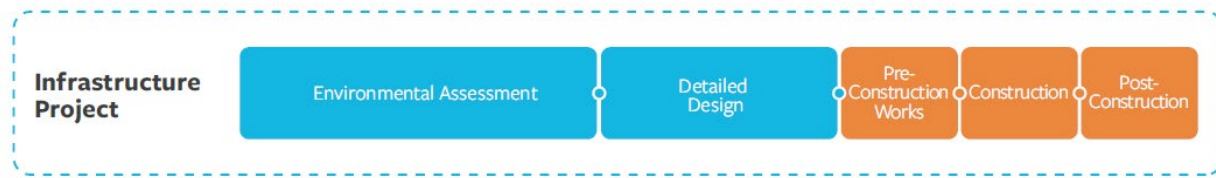
## Environmental Assessment for Infrastructure Projects

As per policies set out in **The London Plan** (Policy 1395\_), new infrastructure should generally not be located within the NHS, but new or infrastructure upgrades / expansions may be permitted within the NHS where it is clearly demonstrated through an EA process under the *Environmental Assessment Act*, that it is the preferred alternative for the location of the infrastructure.

In addition, as per policies set out in **The London Plan** (Policy 1397\_), where new or expansions to existing infrastructure is proposed, an EIS is required as part of the EA process. The EIS shall (a) confirm no significant features are anticipated to be impacted such they they lose their significance and (b) further assess other potential impacts, identify mitigation measures, and determine appropriate compensatory mitigation, if required. Any alternative where the impacts of the proposed works as identified in the EIS would result in the loss of the ecological features or functions of the component of the NHS affected by the proposed works, such that the natural heritage feature would no longer be determined to be significant, shall not be permitted.

The Natural Environment and EIS component of an EA are to be scoped and completed in accordance with these EMGs.

**Figure 2.1:** Environmental Process Stages for Infrastructure Projects



## Environmental Impact Studies

As per **The London Plan** (Policy 1427\_) “If the subject lands status report identifies any lands that, in the estimation of the City, may meet the criteria for determining significance for specific components of the Natural Heritage System, the City shall require the preparation of an environmental impact study for these lands”.

This section outlines the three different types of EIS that may be required in the City depending on the type and extent of natural heritage features and areas within or adjacent to the subject lands, as follows:

- a) **A Full EIS** (comparable to a “Comprehensive EIS”, a term used by others such as UTRCA): A comprehensive range of aquatic, wetland assessment and terrestrial studies over multiple seasons are required.
- b) **A Scoped EIS**: Selected aquatic and / or wetland assessment and / or terrestrial studies are required, with seasonal requirements potentially scoped to reflect the species known or anticipated in the study area.
- c) **A Focused EIS**: Will allow for the typical aquatic and / or wetland assessment and / or terrestrial studies required as part of a Scoped EIS to be waived if the proponent commits to providing the minimum ecological buffers (as per **Table 5.2**) in conjunction with other mitigation measures as required and as a result does not anticipate negative impacts to the NHS components in relation to the proposed development.

Although in some cases a Full EIS is warranted, in most cases for site-specific development proposals a Scoped EIS will be required. The requirements for a Scoped EIS can vary from relatively simple (e.g., a site with limited natural heritage features and areas which only requires a Species at Risk screening and impact assessment) to fairly complex (e.g., a site with woodlands and wetlands adjacent to a valley requiring data collection for and assessment of these features as well as screening for Significant Wildlife Habitat, habitat of Threatened and Endangered species and an accompanying water balance study).

A Focused EIS may be permitted at the City’s discretion under specified circumstances (see **Section 2.6.3**).

### 1.1.1 The Purpose of an Environmental Impact Study (EIS)

An EIS is required where development or site alteration is proposed within or adjacent to components of the City of London’s NHS. The purpose of an EIS is to demonstrate that there will be no net negative impacts to the NHS’ features and functions as a result of the proposed development or project works. This is to be achieved through environmental investigations of the NHS components and the adjacent lands, typically completed as part of the Draft Plan approval process. An EIS will contain recommendations for avoidance of impacts and mitigation of unavoidable impacts, (including environmental management strategies, monitoring requirements and / or other measures to protect NHS features and functions before, during and following construction). In many cases, an EIS will be

completed in conjunction with complimentary studies (e.g., hydrogeological assessment), and the results of each report will inform the other.

An EIS must be completed to the City’s satisfaction in accordance with **The London Plan** policies, provincial policies, and in consultation with the relevant public agencies prior to the approval of planning and development applications.

## The Requirement for an EIS

### When is an EIS Required?

An EIS is typically required for development and infrastructure projects that are proposed wholly or partially within or adjacent to the NHS.

**Table 2.1** identifies the NHS component types and the extent of adjacent lands to those components whose presence typically trigger an EIS. Most of these components are delineated on Map 5 and Map 1 of **The London Plan**. However, the City may require the EIS to include additional lands if (a) environmental study scoping process (as outlined in Section 2.2) identifies one or more previously unmapped natural heritage features for assessment or (b) to ensure the protection of identified natural heritage features and / or functions based on site-specific conditions and / or the proposed land uses.

Table 2.1. Areas Requiring Environmental Study

Natural Heritage System (NHS) Components*	Trigger Distance Requiring an Environmental Study and Area of Adjacent Lands
<ul style="list-style-type: none"> <li>• Fish Habitat</li> <li>• Habitat of Endangered and Threatened Species</li> <li>• Locations of Endangered and Threatened Species</li> <li>• Provincially Significant Wetlands (PSW)</li> <li>• Unevaluated Wetlands</li> <li>• Significant Woodlands</li> <li>• Significant Valleylands and Valleylands</li> <li>• Significant Wildlife Habitat</li> <li>• Areas of Natural and Scientific Interest (ANSI)</li> <li>• Environmentally Significant Areas (ESAs)</li> </ul>	Within 120 metres
<ul style="list-style-type: none"> <li>• Woodlands</li> <li>• Significant groundwater recharge areas, wellhead protection areas and highly vulnerable aquifers</li> <li>• Upland Corridors</li> <li>• Wetlands</li> </ul>	Within 30 metres
<ul style="list-style-type: none"> <li>• Environmental Review (ER) lands</li> </ul>	As appropriate (i.e., within a distance appropriate to the specific components of the NHS contained on the lands)

\* As per Table 13 in *The London Plan*.

### Currency of EIS Data and Updates to EIS at Draft Plan Renewal

Site specific data and field work for an EIS is generally considered “current” for a period of up to five (5) years.



For convenience and keeping the development approvals process intact, the renewal of an EIS tied to a draft approved subdivision can be updated with an extension of the draft plan, provided the extension occurs within six (6) years of draft approval. This is consistent with the current practice where draft plan approvals lapse after three (3) years and extensions can be considered by Council provided the draft plan remains consistent with the in-force policies. To align with this process, in cases where draft plan extensions are being sought using an EIS that is older than five (5) years, the EIS can be updated with an extension draft plan, provided the extension occurs within six (6) years of draft approval.

This update is to be scoped in consultation with City staff to focus only on elements of the EIS related to recommendations that are still being or remain to be implemented. The scope of that review could be a reaffirmation of updates to status of SAR habitat, status of enhancements to protections for existing NHS features or other elements that have been discovered through the build-out.

### Focused EIS

The Focused EIS process and report requirements offer the possibility of meeting the policy and application requirements with an abbreviated submission, where determined to be appropriate. A Focused EIS allows for the typical aquatic and / or wetland assessment and / or terrestrial studies required as part of a Scoped EIS to be waived in cases where the proponent is committing to provide the minimum ecological buffers (as per **Table 5.2**) in conjunction with other mitigation measures to protect all significant features associated with the subject lands, and as a result of this approach, can demonstrate no negative impacts to the NHS in relation to the proposed development.

The desire to submit a Focused EIS should be flagged by the proponent at the pre-consultation stage. The proponent should not proceed with this approach before obtaining in principle agreement from the City.

In order for a Focused EIS to be considered by the City, ecological buffers to natural heritage features must meet or exceed the City's minimum buffer requirements as shown in **Table 5.2** and also include mitigation requirements if stipulated by the City, intended to help ensure buffer effectiveness (e.g., fencing without gates at the development limit, buffer naturalization).

A Focused EIS shall include:

- A description of the land use and biophysical context of the subject lands and study area
- A description of the natural heritage features and areas in the study area
- Staked limits (see **Section 4**) for features on the subject lands, and an assessment of their significance based on the available information
- Mapping and a description of the proposed buffers, including any proposed enhancements
- A conceptual drawing and a description of the proposed development
- A description of the proposed servicing and other amenities potentially associated with the development
- A commitment that the proposal will not require any refinements to the identified buffers
- An outline of the the type(s) and scope of the enhancements and monitoring as part of the mitigation, and
- An assessment that demonstrates no negative impacts to the identified NHS components are anticipated in relation to the proposed development.

This plan and the associated mapping will be discussed during an EIS scoping meeting prior to waiving the requirements of the full-EIS and associated studies. All provincial and federal legislative requirements are still applicable.

The timing of a Focused EIS must align with the approvals process, with the report submitted and approved in principle prior to Draft Plan approval, and then the details of the measures approved (e.g., fencing, buffer naturalization, etc.) submitted in conjunction with focused design studies and / or engineering drawings. Details related to the proposed enhancements and related ecological monitoring may be finalized during later project stages as part of an Environmental Management Plan (see **Section 7**), but the type(s) and scope of the enhancements and monitoring shall be agreed upon and outlined in the Focused EIS prior to Draft Plan approval.

A Focused EIS may be permitted at the City's discretion and will typically only be considered by the City for simpler applications such as:

- subject lands associated with NHS components that are already well defined (e.g., redevelopment adjacent to an existing feature already characterized through previous studies completed) and / or
- study areas that are of limited complexity (e.g., an isolated upland significant woodland, as opposed to a Significant Woodland containing Wetlands adjacent to a Significant Valleyland).

### Overview of the EIS Process

The EIS process is generally depicted in **Figure 2.2** below, and involves the following steps regardless of scope:

1. **EIS Scoping** – Study scoping should be completed before field investigations are initiated. EIS scoping shall follow the process and requirements as outlined in **Section 2.2** of these guidelines, including the completion of the ESSC (**Section 2.2.1**). If determined as a requirement during study scoping, a site visit may be included as part of this process.
2. **Background Review and Information Requests** - The proponent must complete a comprehensive review of background information to form the basis for a description of existing conditions, as outlined in **Section 2.3**. The background review should follow the City of London's Data Collection Standards found in **Appendix C**.
3. **Field Investigations** – Field investigations are to be completed at the appropriate times and frequencies, and include appropriate locations, in accordance with the approved ESSC. Field investigations must be completed in compliance with the City of London's Data Collection Standards found in **Appendix C**. Dates of investigations, names of investigators, conditions at the time of investigations, any variance of methods, data sheets, and photographs, should all be recorded at the time of investigations. Quality assurance and quality control measures to verify the accuracy of the data collected should be implemented as part of the proponent's (or their consultant's) internal EIS review process.
4. **Evaluation of Significance** – The evaluation of significance should be conducted for natural heritage features within the study area in accordance with the applicable federal, provincial and City of London policies. The City of London evaluation criteria, as outlined in **Section 3**, should be applied to unevaluated vegetation patches and other features not previously evaluated as appropriate. The evaluation criteria to be applied to a specific feature or subject lands should be identified in the ESSC. In instances where a Woodland Evaluation is appropriate, the evaluation shall be completed in the

Woodland Evaluation Form found in **Appendix D**. However, if during the course of investigations it becomes evident that other evaluation criteria are appropriate, then they shall also be applied.

5. **Impact and Net Effects Assessment** – The impact assessment for any project should identify the potential impacts that may be generated from the design and layout, the construction, and the operations of the project and / or the post-construction conditions. The proponent should identify any existing impacts to study area natural heritage features prior to project initiation (as part of existing conditions), and the potential long-term and short-term impacts (e.g., construction related) of the project. For each potential impact, possible avoidance, mitigation and / or compensation measures shall be proposed and discussed. For any proposed development or works adjacent to a Natural Heritage Feature, ecological buffers (see **Section 5**) shall be applied as required (see **Table 5.2**) as part of the mitigation measures. The net effects of the project should then be assessed based on the anticipated net impacts after avoidance, mitigation and or compensation measures are implemented as recommended. If the project is assessed to result in a net negative effect, then the proponent should include additional mitigation and / or compensation measures, or re-work the proposed project plan and / or design to minimize or avoid such effects. The objective for any EIS is to achieve no net negative impact, or a net environmental benefit.

The Province’s **Natural Heritage Reference Manual (2010b)** provides a “Sample Checklist for Use in Assessing Impacts of Development” which can be referred to, however the proponent must consider of development activities and potential impacts on a site specific basis as outlined in the Net Effects Table Template is provided in **Appendix E**.

6. **Environmental Management Recommendations** – The environmental management recommendations for a proposed development or project is the primary “deliverable” of an EIS. Recommendations should be developed based on the avoidance, mitigation and compensation measures identified in the Impact Assessment and Net Effects Assessment. An important mitigation measure is recommending appropriate ecological buffers (**Section 5**). Another important mitigation measure is the identification of appropriate pre-, during and post-construction/ post-development monitoring. The recommendations for monitoring should outline the monitoring objectives, timeframe and protocols for each monitoring component. The EIS should also indicate if and how net environmental benefit will be achieved through the implementation of these recommendations. These recommendations will be carried forward to provide the basis for the Environmental Management Plan, as per **Section 7.2**.
7. **EIS Report Submission** – The proponent, or their consultant, is to submit the EIS report to the City of London for review and comments. The EIS report and its appendices should be submitted in electronic format to the City’s Project File Handler.
8. **EIS Report Review and Approval** – Once received the City of London will distribute copies of the EIS report to the TRT for their review and comments. All comments from the TRT will be sent to the City of London for consideration and forwarding to the proponent and their consultant. The City may decide to:
  - **Approve the EIS** – the City may approve the EIS with no required revisions, or with minor revisions
  - **Return the EIS for revisions** – the City may return the EIS report for revisions based on the comments received from the TRT

- **Reject the EIS** – the City may reject the EIS based on non-conformance with **The London Plan** policies, or based on the inadequacies of the EIS report itself

The final acceptance of an EIS report is to be provided in written correspondence (e-mail or letter) to the proponent.

**Figure 2.2:** The Subject Land Status Report and EIS Approval Process Steps.



Further details and the documentation requirements for the above steps are outlined in **Section 2.6.5**.

### EIS Report Requirements

The following section outlines the required format and minimum standards for an EIS.

An EIS report for submission to the City of London shall include the following components and sections:

- Title Page
- Executive Summary
- Authors' Signature Page
- Table of Contents
- 1.0 Introduction
- 2.0 Physical Environment
- 3.0 Natural Environment
  - 3.1 Aquatic Habitat & Species
  - 3.2 Wetlands
  - 3.3 Terrestrial Habitat & Species
- 4.0 Evaluation of Significance
- 5.0 Proposed Development or Works
- 6.0 Impact & Net Effects Assessment
- 7.0 Avoidance, Mitigation & Compensation
- 8.0 Environmental Management Recommendations
- 9.0 Conclusions
- 10.0 References

## Appendices

Additional subsections to the above sections maybe required based on the scope and complexity of the study area and / or the proposal. Further details regarding the required content for the above report components and sections provided below.

### Report Content

#### *Title Page & Pre-Report Body Components*

**Title Page** - The EIS Title Page should provide basic information for the EIS report including the following:

- Project name and study type (i.e., EIS)
- Any relevant File Reference numbers
- The proponent's company name, address, and primary contact name
- The consultant's company name, address, and primary contact name
- The City of London department to which the report is being submitted
- The date of report submission

**Executive Summary** - The Executive Summary for the EIS report should provide a brief summary of the report including the purpose of the EIS, the subject lands and study area locations, study scoping information, field investigations completed, study findings, identification of significant natural heritage features, summary of potential impacts and net effects, and a summary of the environmental management recommendations. The Executive Summary should be 1-4 pages in length.

**Authors' Signature Page** - A page with the names, signatures and qualifications of the principal authors of the EIS report should be provided. The names, signatures and qualifications of the senior reviewers should also be provided.

**Table of Contents** - A Table of Contents with page references should be provided for the EIS report. This should also include a List of Figures, List of Tables, and List of Appendices.

#### *Introduction*

The Introduction of the EIS report may stand as one complete section or it may be separated into several sub-sections, at the author's discretion. Regardless, the Introduction should include the following information:

**Introductory Statement** – The Introduction should state the purpose of the EIS report, and identify the proponent. Since most EIS reports are technical documents supporting a larger study or an application, the Introduction should reference the study or application that the EIS is supporting.

**Background** – The Introduction should provide some background regarding the project and any planning or studies for the subject lands that preceded the EIS.

**Subject Lands and Study Area** – The subject lands for the EIS should be clearly identified with the address (or other municipal reference numbers) along with the limits of the study area and identification of any pertinent reference points (e.g., watercourses, major streets or roads, railways, etc.). A figure delineating the subject lands and study area boundaries and showing local streets/roads, watercourses,

buildings/structures over a recent aerial photograph base must be included. A secondary figure should also delineate the mapped natural heritage features identified on Map 5 of *The London Plan*.

**Policy Context** – The policy context for the EIS should be identified in the Introduction. This should include the trigger for the EIS and the relevant policies in *The London Plan* that apply to the project/application. Other relevant federal, provincial and Conservation Authority legislation and policies should also be identified.

**EIS Scope** – A subsection or paragraph should be provided in the Introduction that summarizes the EIS scoping process and some of the key aspects of the study scope. The final ESSC should be referenced and should be provided in the Appendices of the report.

**Agencies, First Nations and Stakeholders Consultation** – Consultation with government agencies, Conservation Authorities, First Nations communities, and stakeholders should be identified and referenced as part of the Introduction. Any relevant correspondence and consultation documentation should be provided in the Appendices.

### *Physical Environment*

The physical environment provides key context for the natural heritage features on the broader landscape and on the subject lands because of the direct interrelationship between the physical and natural environment. The description of the physical environment is, therefore, an important part of the EIS report. The physical environment section of the EIS should include information on the following:

**Soils and geology** – Soils and the underlying geology of the study area and surrounding landscape should be described in sufficient detail as to provide context for the ecological communities and ecosystems of the subject lands and broader study area (e.g., including adjacent lands as appropriate). If a soils or geotechnical investigation has been undertaken for the project, its findings should be summarized in this section. Key local sources of information include:

- The Canadian System of Soil Classification (1978)
- Pleistocene Geology of the St. Thomas Area (west half and east half respectively) (Dreimanis 1964a; 1964b), including Sardo and Vagners (1975) which accompanies the Dreimanis reports, but is for north London.
- <https://data.ontario.ca/dataset/surficial-geology-of-southern-ontario>, and
- Map of surficial geology of southern Ontario that can be viewed in Google Earth.

**Surface water and drainage** – The surface water and drainage patterns within and adjacent to the subject lands determine the extent and characteristics of aquatic habitat features, wetlands and terrestrial vegetation communities. The watershed, subwatershed, surface water features (water bodies and watercourses) and drainage patterns for the study area should be described in this section of the EIS report.

A surface water and drainage figure showing all watercourses, water bodies, wetlands, and drainage patterns should be provided for the study area, as applicable. If a surface water or storm water management investigation has been completed for the project the findings with regard to existing conditions should be summarized in this section of the report. Where available from other disciplines, pre- and post-development catchment boundaries and flow paths should be referenced and potentially included in EIS mapping.

**Hydrogeology** – The hydrogeology of a study area is often an important determinant of the area’s aquatic, wetland and / or terrestrial features and their functions. The existing hydrogeology for the study area should be described in this section, particularly as it relates to natural heritage features that depend on groundwater discharge and the depth of the shallow water table. If a hydrogeological study has been conducted for the project or as part of previous works in the area, the findings related to existing conditions should be summarized in this section of the report.

*Natural Environment*

As noted above, the existing condition for the natural environment section of the EIS should be divided into four (4) main ecological system types:

- (1) aquatic habitat and species
- (2) wetlands and species
- (3) terrestrial habitat and species, and
- (4) animal movement corridors and ecological linkages.

Each of these sections may be further subdivided depending on the complexity of the study area features and the investigations required by the ESSC.

For each discipline within a subsection of the Natural Environment section the following should be included:

**Background Information** – a summary of information obtained from the background review and information requests should be included to provide a baseline understanding of the features. Previous studies and reports should be referenced and any data or information of particular interest to the study should be highlighted.

**Methods** – the methods used for the investigations for each discipline should be detailed with reference to standard protocols used. The City of London’s **Data Collection Standards** found in **Appendix C** provide the recommended protocols for ecological investigations. The date and time of investigations should be provided, in Table format along with the names of field staff who conducted the surveys. Any variance with standard protocols should also be noted in this section.

**Results and Discussion** – the results of the field investigations should be presented in an organized manner by feature or area. The discussion should include a comparison of findings from previous relevant studies with those of the current study, where applicable. Summary tables with metrics relevant to the discipline should be used wherever possible. For large data sets, spreadsheets should be included in the **Appendices** with summary tables included in the text where needed.

The following provides an outline of the four main ecological system types to be addressed in the EIS and the possible biological components to be included within each system. If no biological components with the given ecological system occur within the study area, then the system heading should be retained in the report with a single sentence stating that no biological components related to this ecological system are present within the study area (e.g., no aquatic habitat or species are present within the study area). For the specific biological components, only those for which investigations were conducted should be included.

<b>Aquatic Habitat and Species</b>	<b>Terrestrial Habitat and Species</b>
<ul style="list-style-type: none"> <li>• Fish &amp; Fish Habitat</li> <li>• Benthic Invertebrates</li> <li>• Mussels</li> <li>• Water Chemistry &amp; Physical Attributes</li> </ul>	<ul style="list-style-type: none"> <li>• Vegetation Communities &amp; Plant Species</li> <li>• Breeding Birds</li> </ul>

<ul style="list-style-type: none"> <li>• Vegetation Communities &amp; Plant Species</li> <li>• Breeding Birds</li> <li>• Other Birds including Waterfowl</li> <li>• Amphibians</li> <li>• Reptiles</li> <li>• Butterflies &amp; Dragonflies / Damselflies</li> <li>• Terrestrial Crayfish</li> <li>• Mammals</li> </ul> <p><b>Wetlands</b></p> <ul style="list-style-type: none"> <li>• PSWs</li> <li>• Wetlands</li> <li>• Unevaluated Wetlands</li> </ul>	<ul style="list-style-type: none"> <li>• Raptors, Crepuscular Species, Colonial-Nesters &amp; Other Birds</li> <li>• Amphibians</li> <li>• Reptiles</li> <li>• Butterflies &amp; Dragonflies / Damselflies</li> <li>• Terrestrial Crayfish</li> <li>• Mammals (e.g., Bat Habitat &amp; Bats, Deer Congregation Areas)</li> <li>• Seeps &amp; Springs</li> </ul> <p><b>Animal Movement Corridors and Ecological Linkages</b></p> <ul style="list-style-type: none"> <li>• Aquatic / Lowland</li> <li>• Terrestrial / Upland</li> </ul>
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At a minimum the following figures should be included in the EIS or Natural Environment section of the EA report:

- Field Investigations – showing the locations of the field investigations completed;
- Aquatic Habitat – showing watercourses, spawning habitat, habitat characteristics, barriers to fish passage, etc.; and,
- Vegetation Communities – showing the delineation of Ecological Land Classification (ELC; as per Lee *et al.*, 1998) communities.

Other figures may include:

- Breeding Bird and Raptor Habitat – showing suitable habitat, nest locations, etc.
- Amphibian and Reptile Habitat – showing breeding areas, hibernacula, etc.
- Plant species – showing location(s) of one or more rare species
- Notably, for species whose location data is considered sensitive, mapping should be provided to the City separately in a map clearly labelled as confidential and for internal use only.

### *Evaluation of Significance*

The Evaluation of Significance section of the EIS should identify previously evaluated and recognized or identified features and species by jurisdiction: federal, provincial and local. For those features or species not previously evaluated or identified, this section should present the evaluation and the recommended designation. The following lists some of the potential features or categories that may apply for each jurisdiction:

- **Federal**
  - Fish Habitat as defined under *the Fisheries Act*
  - Species at Risk (SAR) as listed under *the Species at Risk Act*
- **Provincial**
  - Provincially Significant Wetlands (PSWs) – for wetland evaluations the Ontario Wetland Evaluation System (OWES) shall be used by a certified wetland evaluator. Once completed the wetland evaluation shall be submitted to the Province and the City of London. A summary of the evaluation should be included in this section of the EIS, and a copy of the



- evaluation should be provided in the Appendices. See **The London Plan** policies 1330\_ to 1336\_.
  - Areas of Natural and Scientific Interest (ANSIs) – as identified by the Province of Ontario. See **The London Plan** policies 1356\_ to 1360\_.
  - Significant Woodlands – see **The London Plan** policies 1337\_ to 1342\_ and the City of London’s Woodland Evaluation Criteria in **Section 3.1.2**
  - Species at Risk (SAR) as listed under *the Endangered Species Act*
- **City of London and local Conservation Authorities**
    - *Significant Woodlands* – see above
    - *Woodlands* (non-significant) – see **The London Plan** policy 1343\_
    - *ESAs and Potential ESAs* – See **The London Plan** policies 1367\_ to 1371\_ and **Section 3.1.2** for the *City’s Guidelines for the Evaluation of Environmentally Significant Areas*
    - *Significant Wildlife Habitat* – for habitats not already evaluated, the proponent’s Ecologist should complete a Significant Wildlife Habitat Assessment in accordance with the Province’s Significant Wildlife Habitat Technical Guide (MNRF 2000) and Criteria Schedules for Ecoregion 7E (MNRF 2015), or subsequent updates to these documents. These are provincial criteria that are approved at the municipal level. **The London Plan** policies 1352\_ to 1355\_ shall also be applied
    - *Significant Valleylands* – valleylands not already identified or evaluated should be evaluated in accordance with **The London Plan** policies 1347\_ to 1350\_ and Conservation Authority policies as applicable (e.g., UTRCA 2017)
    - *Wetlands and Unevaluated Wetlands* – see **The London Plan** policies 1330\_ to 1336\_ and Conservation Authority policies as applicable (e.g., UTRCA 2017)
    - *Upland Corridors* see **The London Plan** policies 1372\_ to 1377\_.

Further details regarding the evaluation of significance is provided in **Section 3**.

### *Proposed Development or Works*

In this section of the EIS report the proposed development or project works should be summarized in a manner that describes all aspects and stages of the project that may affect natural heritage features and their functions. The EIS should be based on, at a minimum, the Preliminary Design for the project. This enables the recommendations from the EIS to be incorporated into the Detailed Design for the project.

It is expected that the Preliminary Design presented in the EIS will be a product of an iterative process wherein the design has taken into consideration avoidance and mitigation recommendations provided by the proponent’s Ecologists for the project. Documentation of this iterative process should be provided where applicable.

The following information should be included in the description of the proposed development or works:

- A description of the project layout and design
- Changes to surface water drainage and site grading which may include predevelopment, post-development and interim variations when works are adjacent to natural areas
- An outline of project staging and timing
- Details regarding construction relating to potential impacts to natural heritage, including any proposed de-watering plans that depict preferred zones where discharge should be directed

and potential impacts from dewatering activities (e.g., cutting off groundwater baseflow from potential receptors).

- Proposed protection measures, including erosion and sediment control (ESC) measures in accordance with the City of London’s *Design Specifications & Requirements Manual* (City of London, 2019)
- Any details regarding post-construction operations or maintenance

The proposed layout and design shall be shown on a figure as an overlay depicting the site and plan over a recent air photo, and include the natural heritage features and ELC communities delineated. This figure shall recommend areas for protection with their associated recommended buffers and / or setbacks.

Further Preliminary Design and Detailed Design drawings and supporting documentation can be provided in the Appendices.

### *Impact and Net Effects Assessment*

The Impact and Net Effects Assessment section of the report is critical to:

- a) determining whether a project can meet the test of “no net negative impacts”, and
- b) identify where net environmental benefits”, referred to in this document as “positive net effects”, can be achieved.

While every EIS is required to meet the no negative impacts test (in accordance with the Provincial Policy Statement), to help build resilience in the NHS in response to urban and climate change stressors, opportunities for net environmental benefits should also be identified through the EIS process.

The following types of anticipated impacts to components of the NHS as a result of the proposed development should be assessed and described in this section of the EIS and may each form a subsection in the Impact and Net Effects Assessment section:

- **Existing Impacts** – The report should identify any impacts from previous or existing land uses or activities that have affected the natural heritage features of the study area. This provides a baseline for comparison with potential project related impacts.
- **Direct Impacts** – The potential direct impacts of a project should be identified and described based on the proposed development plan. A figure showing the proposed project overlaid on the natural heritage features for the study area should be provided with an indication of any areas where direct impacts are anticipated.
- **Indirect Impacts** – Many indirect impacts can be associated with the during or post-construction stages of land development or an infrastructure project. Indirect impacts that can be reasonably anticipated in relation to the proposed development should be described in this section of the EIS.

For each of the above categories of impact, the source of the impact, the feature that may be affected, possible avoidance, mitigation and / or compensation measures where appropriate, and the resulting net effects should be described in detail. A summary of the impact assessment and net effects should be provided in a Net Effects Assessment Table. **Appendix E** provides a table template for the assessment of net effects, to be used in any EIS submitted to the City of London.

Net environmental effects are considered to be those impacts that are expected to remain or are residual after the recommended avoidance, mitigation and compensation measures, as applicable, are implemented.

Through the EIS, all anticipated negative impacts should be addressed through a combination of avoidance, mitigation and compensation measures as appropriate so that the net effects are either neutral (i.e., No Net Effect = no measurable impact to the NHS is anticipated) or positive (i.e., Positive Net Effect = there is a gain in the area extent and / or improvement to the quality of one or more NHS feature / area identified for inclusion within the NHS).

In addition to the Net Effects Assessment, the proponent should have consideration for effects of development that may increase or decrease in magnitude with a changing climate (e.g., increased flooding, drought, invasive species range shifts, etc.) and, where feasible, identify enhancement measures to help build resilience to these stressors in the NHS. Tools may be developed or adopted by the City of London to assess anticipated climate change impacts to the NHS, and once available should be considered as part of the impact assessment process.

### *Avoidance, Mitigation & Compensation*

While the Impact and Net Effects Assessment identifies avoidance, mitigation, and compensation measures that should be implemented, each of these will require development into detailed recommendations to be carried forward into the Environmental Management Plan (see **Section 7.2**). This section of the EIS should carry forward the avoidance, mitigation and compensation measures identified in the previous section and elaborate on each.

**Avoidance** – Avoidance of potential impacts should always be considered the preferred option where feasible. As noted in the Proposed Development (**Section 2.6.6.6**) avoidance of potential impacts should be considered iteratively through collaboration between the project Planners, Engineers and Ecologists prior to plan finalization. Consequently, this section may refer to the iterative process described in the Proposed Development Section, or it may propose additional avoidance measures for consideration.

**Mitigation** – Mitigation measures may take various forms and may apply to direct or to indirect impacts that are short-term (e.g., may occur only during the construction phase of the project) or long-term (e.g., may occur in the post development scenario). For example, during-construction impacts tend to be temporary in nature and preventable / manageable through proper construction practices, site inspections, and other standard mitigation measures. Each of these measures should be identified and described in this section of the report.

One of the most important mitigation measures that will apply to natural heritage features identified for protection is the implementation of ecological buffers. The identification of appropriate ecological buffers must follow the guidance provided in **Section 5**. In this section of the EIS, the application of the guidelines to the project and site-specific rationale should be provided.

**Compensation** – Compensation for impacts to, or removal of, a natural heritage feature is only permitted under limited circumstances, but may be permitted in accordance with the applicable policies and, where appropriate, in consultation with agencies whose regulated areas encompass the feature in question. Where alternatives for avoidance and mitigation have been considered and compensation has been determined as the preferred alternative for a project, the details of the compensation must be described in this section.

The development of compensation plans must comply with the applicable policies and follow the guidelines provided in **Section 6** of these Environmental Management Guidelines.

### *Environmental Management Recommendations*

The Environmental Management Recommendations section is the primary deliverable of the EIS. The environmental management recommendations must be clearly articulated and must be specific enough to be translated into Conditions of Draft Approval, Development Agreement and / or Subdivision Agreement for a project. The recommendations should be organized by project phase, from planning and design, through construction, to post-construction and post-development. Depending on the size and complexity of the project, the environmental management recommendations may form the basis of an Environmental Management Plan (EMP, as per **Section 7.2**).

The following are typical components of an EMP:

- Natural Heritage System components on and adjacent to the subject lands
- Ecological Buffers
- Restoration, Enhancement and Compensation Measures/Areas
- Construction Mitigation and Monitoring Plans
- Post-Construction Monitoring
- Post-Development Monitoring

Environmental management recommendations identified during Preliminary Design that should appear on the contract drawings must be explicitly stated. Text should provide direction to include the complete EIS with the tender documents for later project stages. In instances where a detailed Construction Monitoring Plan is anticipated, the EIS should include a draft field inspection form template in the Appendices.

To effectively develop a post construction monitoring program, baseline conditions must be established through the EIS process and stations for long-term / post-construction monitoring in the protected NHS should be identified along with the recommended type(s) and frequency of monitoring. Assessing the success of the avoidance, mitigation and compensation will be determined based on various metrics.

**Section 7** outlines the context and specific requirements of the EMP, and should be carefully reviewed and referenced as appropriate.

### *Conclusions*

The Conclusions section of the EIS report should provide the following elements:

**Summary of Key Findings** – A brief summary of the key findings of the EIS report should be provided to indicate the confirmed natural heritage features and other NHS components on the subject lands and with reference to the broader study area as needed.

**Key Recommendations** – Either a summary of key recommendations should be provided, or a reference to the Environmental Management Recommendations section of the report must be made. Where applicable, direction regarding the implementation of the recommendations must be stated.

**Conclusion Statement** – A clear statement of the conclusions of the EIS must be made as to whether the proposal can meet the test of “no negative impacts on the natural features or on their ecological functions” (MMAH, 2020) must be included in this section. This can be demonstrated through an Impact and Net Effects Assessment that results in no net effects or positive net effects assuming the recommended avoidance, mitigation and / or compensation measures are implemented as

recommended (as per Section **2.6.6.7**). The conclusions should also state whether the project meets the intent and requirements of the environmental policies of **The London Plan**, the *Provincial Policy Statement* and any other relevant legislation or policies, including applicable environmental regulations and / or policies from the Conservation Authorities, Province or Federal government. A summary of the rationale for the conclusion statement must be provided to support the statement.

### *References, Appendices, and Figures*

**References** – All relevant references used in the preparation of, or cited in the EIS report should be listed in a References section. References should be in alphabetical order by author. Each reference should indicate author(s), year of publication, title, and publisher. For journal articles the journal name, volume, and pages should be provided. For websites, the full website address should be provided.

**Appendices** – Supporting documentation as referenced in each section of the report should be provided in the Appendices section and separated by appendix title pages. The order of appendices should follow the order of reference in the sections of the report. Appendices will typically include many or all of the following:

- Environmental Study Scoping Checklist (ESSC)
- Resumes (two-page) for each of the study’s authors, reviewers, and field staff
- Aquatic habitat field sheets and sketches
- Aquatic species list and life history information
- Ecological Land Classification (ELC) data sheets including soil characterization
- Plant species list by ELC community type with rarity rankings
- Bird species list by survey location with rarity rankings
- Amphibian survey data sheets and species list
- Additional wildlife lists by survey locations with rarity rankings, as applicable (e.g., mammals, herpetofauna)
- Significant Wildlife Habitat (SWH) data sheets
- Significant Wildlife Habitat Assessment
- Species at Risk (SAR) screening and habitat assessment
- Photographs

**Figures** – All figures for the EIS report should be either embedded in the body of the report and presented on the first full page following the first reference in the text to the figure, or compiled in the Appendices. All figures should be sequentially numbered and have the following:

- A recent colour aerial photograph base
- The subject lands and study area boundaries
- Roads/streets (labelled), utility corridors, and other “surface” infrastructure such as rail lines
- Watercourses and natural heritage features boundaries

- North arrow
- A scale
- A Legend with all symbols and shading labelled

Where appropriate, figures should be prepared at a consistent scale to facilitate comparison and cross-referencing.



## Evaluation of Significance and Ecological Function

*The City's NHS is a system of natural heritage features and areas and linkages intended to provide connectivity at the regional or site level and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of native species, and ecosystems (The London Plan – Policy 1298). Evaluation of the significance and ecological functions of the various NHS components through the planning process informs the protection of the NHS and may lead to the addition, removal or refinement of NHS features included on City of London mapping (see Map 5 in The London Plan).*

While these components are all generally protected within the broader system, the process for evaluating these components and the jurisdictional responsibility confirming their significance and enforcing the policies for their protection are not the same for all features and areas. As outlined in the *Provincial Policy Statement* and in **The London Plan**, the following applies to the City's NHS components:

- Fish habitat and the Habitat of Endangered and Threatened Species are to be assessed in accordance with the applicable federal and / or provincial regulations, policies and guidance in consultation with the appropriate federal and / or provincial agency, sometimes with technical support from the local Conservation Authority
- Provincially Significant Wetlands (PSWs) and provincially significant Areas of Natural and Scientific Interest (ANSIs) are identified and confirmed by the Province in accordance with provincial systems and criteria;
- Significant Woodlands, SWH and Significant Valleylands are identified and confirmed by the City using locally-developed criteria aligned with the criteria and guidance established by the Province, sometimes with support from the local Conservation Authority, particularly for valleylands which they typically regulate;
- As per **The London Plan** Policies 1361\_ and 1362\_, Water Resource Systems capture a range of surface and groundwater features and areas that are to be assessed in accordance with the applicable provincial regulations, policies and guidance in consultation with the appropriate provincial agency and local Conservation Authority;
- Environmentally Significant Areas may be assessed by the proponent but are identified and confirmed by the City using locally-developed criteria, sometimes with support from the local Conservation Authority, particularly when the area overlaps with lands they regulate (e.g., wetlands, watercourses, valleylands and the related adjacent lands); and
- Upland Corridors and Naturalization Areas are identified and confirmed by the City as per the policies in **The London Plan**.

The Environmental Policies section of **The London Plan** defines and provides policy guidance for the evaluation of all the NHS components, including locally-developed criteria where applicable, and points to applicable sources of additional technical guidance at the federal, provincial and / or local (i.e., municipal and Conservation Authority) levels. This section of the EMGs provides additional guidance related to the evaluation of NHS components where the City of London and, where applicable, the local Conservation Authority, are responsible for confirming the evaluation of significance.

The specific NHS components addressed in this section of the EMGs are:

- Provincially Significant Wetlands, Wetlands and Unevaluated Wetlands
- Significant Woodlands and Woodlands
- Significant Valleylands and Valleylands

- Significant Wildlife Habitat (SWH), and
- Environmentally Significant Areas (ESAs)

with more detailed guidance for the criteria application provided for Significant Woodlands and ESAs based on the current science and natural heritage studies completed in the City.

The locally-developed criteria and the related guidance in this section have been developed in accordance with the *Provincial Policy Statement* with careful consideration for the local biophysical and land use planning context, and for the applicable technical and scientific literature. Notably, the *Provincial Policy Statement* states that: “*planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement*”. It further states that for NHS components that are to be locally confirmed that: “*Criteria for determining significance for the resources ... are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used*” (MMAH, 2020).

In all cases, the proponent is expected to comply with the most current applicable policies and guidelines related to the evaluation of significance and ecological functions of NHS components in the City, including any that may be adopted following the approval of these EMGs.

## Significant Woodlands and Woodlands

The objective of these guidelines is to provide a standardized and scientifically-based approach for the evaluation of woodlands that is consistent with **The London Plan** policies, the *Provincial Policy Statement*, and the *Natural Heritage Reference Manual* (MNR 2010b). This section describes the required methods for evaluating the ecological significance of all Unevaluated Vegetation Patches, woodlands and vegetation patches greater than 0.5 ha (as per **The London Plan** Policies 1337\_ through 1343\_, and 1383\_ through 1386\_).

### Policy and Context

Policies outlined in the *Provincial Policy Statement* protect Significant Woodlands by not permitting development and site alteration within or in the lands adjacent to Significant Woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

According to the *Provincial Policy Statement*, woodlands are defined as: “*treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products*” and “*include treed areas, woodlots, or forested areas and vary in their level of significance at the local, regional, and provincial levels*”.

Furthermore, the *Provincial Policy Statement*, considers woodlands significant when an area “*is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size, or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history*”. These are to be identified using criteria established by the MNR, with the most current guidance provided in the *Natural Heritage Reference Manual* (MNR 2010b).

**The London Plan** has built on the provincial guidance and incorporated local considerations to ensure



the identification and evaluation of significance for woodland components of the City's NHS that is aligned with local objectives and conditions. The policy framework for the identification and evaluation of Significant Woodlands and Woodlands are outlined in **The London Plan** – Significant Woodlands and Woodlands.

Most potential Woodlands are shown as Unevaluated Vegetation Patches on Map 5 – Natural Heritage and as Environmental Review Place Type on Map 1 in **The London Plan**. However, as outlined in **The London Plan** – Policy 1216, the absence of vegetation patches from the aforementioned mapping, does not necessarily mean that additional unevaluated vegetation patches do not exist where none have been mapped. Therefore, proponents must assess the subject lands in question to screen for the presence of any additional Unevaluated Vegetation Patches and / or other vegetation patches larger than 0.5 ha.

As per the *Provincial Policy Statement* definition above, woodlands are “treed areas”. Using the Ecological Land Classification (ELC) System for Southern Ontario (Lee *et al.*, 1998), individual vegetation communities are typically delineated as discrete polygons. One or more ELC polygons can make up a woodland patch.

According to the Ecological Land Classification (ELC) System for southern Ontario (Lee *et al.*, 1998), a treed area is any community with tree cover >10%. As such, the following ELC Community Classes and Series are potential components of woodland patches:

- **FOREST** - deciduous forest (FOD), mixed forest (FOM) or coniferous forest (FOC);
- **SWAMP** - deciduous swamp (SWD), mixed swamp (SWM) or coniferous swamp (SWC);
- **BLUFF** - treed bluff (BLT);
- **TALLGRASS** - savannah (TPS), woodland (TPW);
- **CULTURAL** - cultural woodland (CUW), cultural savanna (CUS) or cultural plantation (CUP).; and
- **SHRUB / THICKET** - shrub bluff (BLS), cultural thicket (CUT), and swamp thicket (SWT).

Note: In the *Middlesex Natural Heritage Study* (UTRCA, 2014), communities with shrub cover >25% may also qualify as woodland. In the ELC system shrub and thicket communities are similarly defined. Therefore, shrub and thicket communities that are contiguous with other woodland Community Classes may also be included in a woodland patch.

Other communities that contribute to the biological diversity and ecological function of woodlands include old fields (CUM), open prairies (TPO) and wetland communities (MAM, MAS, SAF, OAO, FEO, and BOG) as defined by the ELC. While these communities will not comprise entire woodland patches, they are important components and contribute to the ecological significance of the vegetation patch. As such they are included in the evaluation of significance for applicable criteria.

Evaluation criteria for woodland significance are outlined in **The London Plan** (Policy 1341) The following sections provide further detail with respect to how each of these criteria should be implemented and which specific measures should be applied for the evaluation of significance and ecological function for woodlands in London.

Based on the above information, a vegetation patch is considered to have a woodland component within the City of London if tree cover is greater than 10% or shrub cover is greater than 25%. To determine if a vegetation patch meets this criteria, appropriate ecological inventory (as described in

**Section 4.3** and significant woodland evaluation (described in the following sections) methods shall be used.

The woodland evaluation review summary sheet shall be completed and included as an EIS Appendix, where appropriate. The blank summary sheet can found in **Appendix D**.

Consistent with **The London Plan** a woodland will be considered significant if it meets either of the following evaluation scores:

- If one or more criteria meet the standard for High; or
- If five or more criteria meet the standard for Medium.

## Significant Woodland Evaluation Criteria

### **The London Plan – Criterion 1341 1.**

*The woodland contains natural features and ecological functions that are important to the environmental quality and integrity of the NHS. These include site protection (hydrology and erosion / slope) and landscape integrity (richness, connectivity and distribution).*

#### **Criterion 1.1. – Site Protection**

##### **Ecological Function Measure**

##### **A) Presence of hydrological features within or contiguous with the patch.**

This measure relates to *Hydrological and Related Values* as outlined in the *Natural Heritage Reference Manual* and the following concepts:

- a) “Waterbodies, including wetlands, often represent a relatively small percentage of the total land area, yet they can be disproportionately more valuable than other areas”, and
- b) “It is recommended that measures be taken to protect water features, wetlands and other areas of significant hydrological importance (e.g., headwaters, recharge areas, discharge areas) within natural heritage systems” (MNRF 2010b).

Further, this measure relates to other concepts identified in subwatershed studies completed for the City of London to recognize the following:

- a) the linkage between protection of groundwater and vegetation on the surface;
- b) the interface between aquatic and terrestrial systems which have high biodiversity and are the focus of important ecological functions; and,
- c) the important hydrological functions of wetlands that complement and enhance those provided by woodlands.

For the purposes of this evaluation, hydrological features include the following features and / or areas:

- Groundwater discharge and recharge areas or evidence of groundwater dependent species

- Headwaters and watercourses;
  - Flood plain (as regulated by the local Conservation Authority)
  - River, stream, and ravine corridors (Valleylands) outside of flood plain regulated lands, and
- Wetlands<sup>3</sup> (evaluated and unevaluated).

**Criterion Ranking:**

- **HIGH** – One (1) or more hydrological features (as described above) located within or contiguous with the patch.
- **MEDIUM** – Within 50 m of a hydrological feature.
- **LOW** – No hydrological features present within 50 m of the patch.

**B) Erosion and Slope Protection**

Soil erosion may adversely affect a feature by removing nutrient rich soils, destroying vegetation, and the deposition of eroded soil material (MNRF, 1997b). As slopes increase, the erosion risk also increases; however, slopes less than 10% generally experience minimal erosion (MNRF, 1997b; MNRF, 2010b).

This measure relates to the need “to protect runoff processes, ground stability, and aquatic habitat (erosion potential) for slopes > 10%” (MNRF, 2010a).

Slopes are mapped in the Slope Stability Mapping Project (UTRCA, 1996) and can also be determined using Geographic Information System (GIS) applications such as ArcMap in combination with up-to-date contour mapping.

Additionally, this measure requires knowledge of the soil textures and types as described in the ELC Manual (Lee *et al.*, 1998) based on the Ontario Institute of Pedology (1985) and Canadian Soil Classification System (Soil Classification Working Group, 1998).

**Criterion Ranking:**

- **HIGH** – Patch present on steep slopes >25% of any soil type, OR on a remnant slope associated with other features such as moraines or remnant valley slopes no longer continuous with the river system OR on moderate to steep slopes >10% - 25% with erodible soils (silty loam, sandy loam and loam, fine to coarse sands).
- **MEDIUM** – Patch present on moderate to steep slopes > 10% - 25% with less erodible soils (heavy clay and clay, silty clay)
- **LOW** – Patch present on gentle slopes < 10% with any soil type.

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<sup>3</sup> Notably, the Conservation Authorities regulate and protect natural hazards, including all features that meet the definition of “wetlands” under the *Conservation Authorities Act*.

Score for **Criterion 1.1** is based on the highest standard achieved between the two measures.

## Criterion 1.2 – Landscape Integrity (Richness, Connectivity and Distribution)

### Ecological Function Measures

#### A) Landscape Richness

The density of landscape fragmentation, or patchiness, as measured by the total area of all patches per unit area of land. Based on the demonstration that “*Native plant richness and flora quality are significantly related to local forest cover*” (UTRCA, 1997; Bowles and Bergsma, 1999). Further, the *Natural Heritage Reference Manual* outlines the following concepts:

- a) “*Clusters of areas that span a range of topographic, soil, and moisture conditions contain a wider variety of plant species/communities, and may support a greater diversity of ecological processes*”; and,
- b) “*Where large core areas do not exist, groupings of habitat patches with potential for restoration should be included to maintain ecological function at the landscape scale*” (MNRF 2010b).

For the purpose of this evaluation, local vegetation cover is defined as percent cover of vegetation (all habitat types) within a 2 km radius circle from patch centroid. Thresholds reflect cumulative frequency distribution of patches within London (Bergsma, 2004).

#### **Criterion Ranking:**

- **HIGH** > 10% local vegetation cover
- **MEDIUM** 7 – 10% local vegetation cover
- **LOW** < 7% local vegetation cover.

#### **B) Landscape Connectivity (linkage and distance between patches not separated by permanent cultural barriers).**

This measure relates to *Proximity, Connectedness, and Naturalness and Disturbance* outlined in the *Natural Heritage Reference Manual* and the following concepts:

- a) Blocks of habitat that are arranged close together limit fragmentation and are usually better than those that are located farther apart; and,
- b) Relatively undisturbed natural areas are generally more desirable than highly altered areas (MNRF 2010b).

#### **Criterion Ranking:**

- **HIGH** – patches directly connected by:
  - i. waterways or riparian habitat (generally primary or secondary aquatic corridors and streams with bridges and / or underpasses: for example, Thames, Dingman, Medway, Stoney, Pottersburg, Kettle, Dodd, Sharon, Oxbow, Kelly, Stanton, Mud, Crumlin);
  - ii. Contiguous or semi-contiguous habitat.

- **MEDIUM** – patches indirectly connected by:
  - i. habitat gaps < 40 m;
  - ii. areas identified as Anti-fragmentation, Terrestrial Corridor, Big Picture Corridor ([https://caroliniancanada.ca/legacy/ConservationPrograms\\_BigPictureMaps.html](https://caroliniancanada.ca/legacy/ConservationPrograms_BigPictureMaps.html)) to enhance the viability of isolated woodlands by re-connection, buffering, expanding OR to infill disturbed areas or replace abandoned fields (Riley & Mohr, 1994);
  - iii. abandoned rails, utility rights-of-way (hydro corridors, water/gas pipeline);
  - iv. Open space greenways and golf courses;
  - v. Active agriculture or pasture;
  - vi. Watercourses connected by culverts; and,
  - vii. First or second order streams that exhibit channelized morphology.
- **LOW** – patches not connected due to the presence of permanent cultural barriers:
  - i. major roads and highways with no culverts;
  - ii. urban or industrial development, large parking lots;
  - iii. infrastructure;
  - iv. dams, buried watercourses, channelized third or greater order watercourses; and,
  - v. active recreational land-uses (campground, parks with major facilities – community centres, arenas).

### C) Patch Distribution (isolation & arrangement of patches / patch clusters).

This measure relates to *Proximity, Connectedness, Size and Distribution* outlined in the *Natural Heritage Reference Manual* and the following concepts:

- a) Blocks of habitat that are arranged close together limit fragmentation and are usually better than those that are located farther apart; and,
- b) Large patches of natural area are more valuable than smaller patches (MNRF 2010b), although smaller habitat patches can also have value in supporting biodiversity, particularly when they are clustered (Fahrig 2020) .

Following a review of the empirical evidence in the literature, Fahrig (2020) concluded that;

The interaction or flow of organisms among patches appears to be influenced by the size of patches and the distance separating them. Patch clusters are defined as patches within 250 m of each other that are not separated by major roads, highways, or urban development.

#### **Criterion Ranking:**

- **HIGH** – patch clusters with total area > 40 ha OR identified as a Big Picture Meta Core (Carolinian Canada, 2000).
- **MEDIUM** – patch clusters with total area 20 – 40 ha.
- **LOW** – patch clusters with total area < 20 ha.

Score for **Criterion 1.2** based on the highest standard achieved for any one of the three standards.

### **The London Plan – Criterion 1341 2.**

*The woodland provides important ecological functions and has an age, size, site quality, and diversity of biological communities and associated species that is uncommon for the planning area.*

#### **Criterion 2.1 – Age and Site Quality**

##### **A) Community Successional Stage / Seral Age**

This measure relates to *Uncommon Characteristics of Woodlands* as described in *Natural Heritage Reference Manual*, and the concept that: “Older woodlands are particularly valuable for several reasons, including their contributions to genetic, species, and ecosystem diversity” (MNRF 2010b).

For the purpose of this evaluation, community age is determined based on definitions in the provincial ELC for Southern Ontario (Lee *et. al.*, 1998). Seral age reflects the composition of the plant community (especially trees) with respect to light tolerance and moisture conditions). Generally, mature or advanced seral stage community types are under-represented in the London Subwatershed (Bowles, 1995), Middlesex County (UTRCA, 2003) and Oxford County (UTRCA, 1997).

##### **Criterion Ranking:**

- **HIGH** – patch contains one (1) or more mature or older growth communities
- **MEDIUM** – patch contains one (1) or more mid-aged communities
- **LOW** – patch contains only pioneer to young communities

##### **B) Mean Coefficient of Conservatism (MCC) of communities or whole patch**

This measure relates to *Species Rarity and Uncommon Characteristics of Woodlands* as outlined in the *Natural Heritage Reference Manual* and the following concepts:

- a) In general, habitats that contain rare species are more valuable than those that do not; and,
- b) Woodlands that are uncommon in terms of species composition should be protected (MNRF 2010b).

The MCC can provide useful information on the susceptibility of communities to adverse anthropogenic effects (Francis *et al.*, 2000; Catling, 2013). The MCC thresholds identified below have been based on the Floristic Quality Assessment System for Southern Ontario (Oldham *et al.*, 1995), analysis of distribution in the London subwatershed area (Bowles and Bergsma, 1999), results of the Middlesex Natural Heritage Study (UTRCA, 2014), and Oxford County Terrestrial Ecosystem Study (UTRCA, 1997).

##### **Criterion Ranking:**

- **HIGH** – one (1) or more vegetation community with an MCC  $\geq 4.6$ ; OR MCC of patch  $> 4.5$
- **MEDIUM** – one (1) or more vegetation community with an MCC 4.2 – 4.5; OR MCC of patch  $\geq 4.0$  – 4.5
- **LOW** – all vegetation communities with an MCC  $< 4.2$ ; OR MCC of patch  $< 4.0$ .

Score for **Criterion 2.1** based on the highest standard achieved for any one of the two standards.

## Criterion 2.2 – Size and Shape

### A) Patch Size

This measure relates to *Size* as described in Natural Heritage Reference Manual, and the concept that “*large patches of natural area are more valuable than smaller patches*” (MNRF 2010b).

Patch size is generally positively correlated with ecological function. Larger patches can provide functions that smaller patches cannot such as habitat for area-sensitive species, , reduced forest edge/increased forest interior, and increased resiliency from human disturbance (MNRF, 2010b).

The following thresholds have been derived from a cumulative frequency curve distribution for vegetation patches within the City of London (Bergsma, 2004).

#### Criterion Ranking:

- **HIGH** Patch  $> 9.0$  ha in size OR patch contains a woodland  $>4$  ha.
- **MEDIUM** Patch 2.0 – 9.0 ha in size OR patch contains a woodland 2-4 ha.
- **LOW** Patch  $< 2.0$  ha in size.

### B) Patch Shape and Presence of Interior

Patch shape influences the amount of edge and interior habitat, and thus can influence resilience, disturbance, and species-specific habitat requirements (as described above) (MNRF, 2010a). Edge habitat, specifically for woodlands, has increased across southern Ontario with increased fragmentation; and subsequently the area of forest interior has decreased.

This measure relates to *Shape* as described in *Natural Heritage Reference Manual*, and the following concepts:

- The shape of natural heritage areas affects their value as wildlife habitat and their resilience to disturbance effects; and,
- Round or block-shaped patches contain less edge per unit of area than long, narrow patches.

As edge effects can extend into woodlands (Environment Canada, 2013), the interior area for a patch is calculated based on a 100 m distance from the interior of the edge habitat (MNRF, 2010b). The locally-specific thresholds for perimeter:area ratios listed below have been based



on analysis of London subwatershed studies patches and calculation of perimeter to area ratios (Bergsma, 2004).

**Criterion Ranking:**

- **HIGH** Patch contains interior habitat that is more than 100 m from the edge OR has a Perimeter: Area ratio  $<1.5 \text{ m/m}^2$
- **MEDIUM** Patch contains no interior habitat but has a Perimeter:Area ratio 1.5 – 3.0  $\text{m/m}^2$ .
- **LOW** Patch contains no interior and has a Perimeter:Area ratio  $> 3.0 \text{ m/m}^2$

**C) Bird Species**

This measure relates to *Species Diversity and Rarity* as described in *Natural Heritage Reference Manual*, and the following concepts:

- a) Areas that contain a high diversity of native plant and animal species are generally more important than areas that contain a lower diversity of species; and,
- b) In general, habitats that contain rare species are more valuable than habitats that do not (MNRF 2010b).

Birds can be indicators of habitat quality and the degree of forest fragmentation. The following criteria rankings have been developed based on the guidance from the: Significant Wildlife Habitat Ecoregion 7E Criteria Schedules (MNRF, 2015a) for "Habitat of Species of Conservation Concern, Special Concern and Rare Species" and the Avian Conservation Assessment Database (Partners in Flight, 2020) for "Regional Concern" species for the Lower Great Lakes/St. Lawrence Plain Bird Conservation Region.

**Criterion Ranking:**

- **HIGH** Patch provides breeding habitat for any three (3) or more bird species of conservation concern, including provincially rare bird species (MNRF, 2015a) or species of regional concern (Partners in Flight, 2020).
- **MEDIUM** Patch provides breeding habitat for one (1) or two (2) bird species of conservation concern, including provincially rare bird species (MNRF, 2015a) or species of regional concern (Partners in Flight, 2020).
- **LOW** Patch does not provide breeding habitat any bird species of conservation concern, including provincially rare bird species (MNRF, 2015a) or species of regional concern (Partners in Flight, 2020).

Score for **Criterion 2.2** based on the highest standard achieved for any one of the three standards

**Criterion 2.3 Diversity of Communities, Landforms and Associated Species**

**A) ELC Community Diversity**

This measure relates to *Habitat Diversity, Complexity, and Uncommon Characteristics of Woodlands* as described in *Natural Heritage Reference Manual*, and the following concepts:

- a) Natural areas (or clusters of areas) that span a range of topographic, soil and moisture

conditions tend to contain a wider variety of plant species and plant communities, and may also support a greater diversity of ecological processes;

- b) Older woodlands are particularly valuable for several reasons, including their contributions to genetic, species, and ecosystem diversity; and,
- c) Woodlands that are uncommon in terms of species composition, cover type, age, or structure should be protected.

Native plant species diversity is related mainly to the number of communities in the patch, but also to patch area and landscape richness (UTRCA, 1997; MNRF, 2010b).

The following thresholds were developed based on an analysis of all vegetation communities (including cultural) identified at the Community Series level in the City of London digital GIS layer. Thresholds were derived from cumulative frequency distribution of London patches for a total of 23 Community Series categories (Bergsma, 2004). Assessments are to consider all Community Series types within a woodland patch, including cultural communities.

**Criterion Ranking:**

- **HIGH** – Patch contains 6 or more ELC Community Series
- **MEDIUM** – Patch contains 3-5 ELC Community Series
- **LOW** – Patch contains 1-2 ELC Community Series

**B) Community and Topographic Diversity (variation and heterogeneity)**

This measure relates to *Habitat Diversity* and *Complexity* as described in *Natural Heritage Reference Manual*, and the concept that: “*natural areas (or clusters of areas) that span a range of topographic, soil and moisture conditions tend to contain a wider variety of plant species and plant communities, and may also support a greater diversity of ecological processes*” (MNRF 2010b).

This is applied to all communities as defined by this study and based on ELC Community tables (Lee *et. al.*, 1998) and topographic feature description. The seven (7) topographic feature categories for the City of London are as follows: riverine, bottomland, terrace, valley slope, tableland, rolling upland, bluff.

**Criterion Ranking:**

- **HIGH** – Patch contains three (3) or more Ecosites in one (1) Community Series OR four (4) or more Vegetation Types OR three (3) or more topographic features (e.g. tableland, rolling upland, valley slope, terrace, bottomland).
- **MEDIUM** – Patch contains two (2) or more Ecosites in one Community Series OR by three (3) Vegetation Types OR two (2) topographic features, or one (1) Vegetation Type with inclusions or complexes.
- **LOW** – Patch relatively homogenous; one (1) Ecosite OR one (1) to two (2) Vegetation Types on one (1) topographic feature.

**C) Diversity (species and individuals) and Critical Habitat Components for Amphibians**

This measure relates to *Species Diversity and Rarity* as described in the *Natural Heritage Reference Manual*, and the concept that: “*areas that contain a high diversity of plant and animal species are generally more important than areas that contain a lower diversity of species*”.

Amphibians are indicators of healthy woodlands with well-functioning processes (MNRF, 2000b; MNRF, 2010b).

This measure is applied at the patch level based on the presence of amphibians and / or important habitat components including the following:

- 1) shallow water that remains wet for the breeding season (presence of vernal pools);
- 2) emergent and submergent aquatic vegetation (presence of aquatic ELC community types);
- 3) presence of instream logs and shoreline shrubs (fish habitat);
- 4) closed canopy offering a shaded moist understory environment (presence of forest or treed swamp communities); and,
- 5) abundance of coarse woody debris (deadfall/logs, firm or decayed in the 10-24, 25-50 or >50 cm size classes).

**Criterion Ranking:**

- **HIGH** – three (3) or more species of amphibians present in the patch, OR one (1) species of amphibian that is abundant\* in one (1) or more communities; OR two (2) or more critical habitat components present in the patch.
- **MEDIUM** – 1-2 species of amphibians present in the patch; OR one (1) species of amphibian that is occasional\* in one (1) or more communities; OR one (1) critical habitat components present in the patch.
- **LOW** – No species of amphibian present in the patch, OR no critical habitat components present in the patch.

\* *Abundance is based on call codes from the amphibian survey protocol as part of the Marsh Monitoring Program (Bird Studies Canada [BSC], 2009a). Presence is determined with a call code  $\geq 1$ ; occasional is defined as any species with a call code 2; abundant is defined as any species with a call code 3.*

**D) Presence of Conifer Cover**

This measure relates to *Representation and Habitat Diversity and Complexity* as described in *Natural Heritage Reference Manual*, and the following concepts:

- a) The full range of natural features that occur in an area, including both rare and common features, should be protected as a fundamental step in NHS planning to preserve biodiversity at the species and community levels; and,
- b) Natural areas (or clusters of areas) that span a range of topographic, soil and moisture conditions tend to contain a wider variety of plant species and plant communities, and may also support a greater diversity of ecological processes.

Important for providing winter food and shelter for a variety of wildlife species (MNRF, 2000a; MNRF, 2010b). For this measure, conifer communities are based on ELC (Lee *et al.*, 1998) and include FOC, FOM, SWC, SWM, and CUP.

**Criterion Ranking:**

- **HIGH** – Patch contains one or more conifer communities that are > 4.0 ha in size.
- **MEDIUM** – Patch contains one or more conifer communities that are between 2.0 and 4.0 ha in size.
- **LOW** – Patch contains conifer communities < 2.0 ha in size.

**E) Fish Habitat Quality**

This measure relates to *Hydrological and Related Values* and *Water Protection* as described in *Natural Heritage Reference Manual*, and the following concepts:

- a) Waterbodies, including wetlands, often represent a relatively small percentage of the total land area, yet they can be disproportionately more valuable than other area; and,
- b) Source water protection is important and natural hydrologic processes should be maintained (MNRF 2010b).

The health of an aquatic habitat is determined by the health of the water body and surrounding land use practices. Both permanent and intermittent watercourses can provide critical habitat for many species.

**Criterion Ranking:**

- **HIGH** – Dissolved oxygen > 8.0 mg/L OR abundant instream woody debris and rocks and watercourse with a natural channel located within or contiguous with the patch.
- **MEDIUM** – Dissolved oxygen 5.0 – 8.0 mg/L OR moderate amount of instream woody debris and rocks and portions of channelized watercourses within or contiguous with the patch.
- **LOW** – Dissolved oxygen < 5.0 mg/L OR no instream woody debris and sparse structure and entire watercourse channelized within or contiguous with the patch.

Score for **Criterion 2.3** based on the highest standard achieved for any one of the five standards.

**The London Plan – Criterion 1341 4.**

*The Woodland provides significant habitat for endangered or threatened species.*

**Criterion 4.1 – Significant habitat for endangered or threatened species.**

**A) Species At Risk Habitat** This measure relates to *Species Rarity* as described in the *Natural Heritage Reference Manual*, and the concept that in general, “habitats that contain rare species are more valuable than habitats that do not” (MNRF, 2010b).

Identification, evaluation, and listing of provincially endangered or threatened species is the responsibility of the Province. Federally endangered or threatened species, as outlined in the

*Species at Risk Act*, that are not covered under provincial legislation should also be considered. Planning authorities may wish to have assessments of the significant portions of the habitat of SAR reviewed by the Province.

SAR habitat present or previously identified: **YES** or **NO**

The presence of SAR habitat will add one **HIGH** score to the overall assessment

### **The London Plan – Criterion 1341 5.**

*The Woodland contains distinctive, unusual or high-quality natural communities or landforms.*

#### **Criterion 5.1 – Distinctive, unusual or high-quality communities.**

This criterion relates to *Habitat Complexity and Diversity*, *Species Diversity and Rarity*, and *Uncommon Characteristics of Woodlands* as described in the *Natural Heritage Reference Manual*, and the following concepts:

- a) Natural areas (or clusters of areas) that span a range of topographic, soil and moisture conditions tend to contain a wider variety of plant species and plant communities, and may also support a greater diversity of ecological processes;
- b) Areas that contain a high diversity of plant and animal species are generally more important than areas that contain a lower diversity of species;
- c) Woodlands that are uncommon in terms of species composition, cover type, age or structure should be protected (MNR 2010b).

#### **A) ELC Community SRANK**

Conservation status ranks for the province (SRanks) are based on vegetation communities' risk of elimination. This measure should be evaluated based on the most up-to-date conservation status rank as applied by Natural Heritage Information Centre.

#### **Criterion Ranking:**

- **HIGH** – One (1) or more communities with an SRANK of S3 or lower.
- **MEDIUM** – No communities with an SRANK lower than S4.
- **LOW** – No communities with an SRANK lower than S5.

#### **B) Significant Wildlife Habitat**

Significant Wildlife Habitat (SWH; including habitat for species of conservation concern and rare species) occurrences within the patch as determined through the *Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E* (MNR, 2015a). This criteria applies to any SWH that is not evaluated through any other criteria within these guidelines (e.g., Criteria 2.2c).

SWH habitat present or previously identified: **YES** or **NO**

The presence of SWH habitat will add one **HIGH** score to the overall assessment

### C) Rare Plant Species Presence / Absence

This measure assesses the number of element occurrences of regionally uncommon or regionally rare vegetation (further outlined in the glossary) and the presence of S1-S3, SRank species (which are also identified as SWH) within a patch. Oldham (2017) identifies the regionally rare and regionally uncommon vascular plant species in Middlesex for this criterion. **Table 3.1** includes the Criterion Ranking.

#### Criterion Ranking:

- **HIGH** – One (1) Rare Plant (S1-S3) or 4 Regionally Rare plants.
- **MEDIUM** – One to three (1-3) Regionally Rare plants.
- **LOW** – One (1) Regionally Uncommon plant.

**Table 3-1: Rare Plant Species Presence / Absence**

Type and Status of Species	HIGH	MED	LOW
Rare Plant (S1-S3)	1		
Regionally Rare plant	4	1-3	
Regionally Uncommon plant			1

### D) Size and distribution of trees

#### Criterion Ranking:

- **HIGH** – trees > 50 cm dbh abundant in one or more communities within the patch.
- **MEDIUM** – trees > 50 cm dbh rare or occasional in one or more communities within the patch.
- **LOW** – trees > 50 cm dbh not present in any communities within the patch.

Relative abundance, as it related to this criterion (i.e., rare, occasional, abundant), is described in **Section 8**.

### E) Basal Area

This criterion aims to evaluate stand characteristics for total basal area, and basal area by tree species and size classes for each community. The post-logging provincial standard for tolerant hardwoods will be used as a measure of high-quality woodlands (MNRF, 2000a). It has been estimated that 45% (UTRCA, 2003) to 73% (Bowles, 2001) of forests in the City of London and surrounding area had basal areas lower than the recommended for optimal vegetation community resiliency and stability (MNRF, 2000a).

#### Criterion Ranking:

- **HIGH** – Average basal area of trees for any community in the patch  $\geq 16\text{m}^2/\text{ha}$  for trees >25 cm DBH; OR  $> 24\text{m}^2/\text{ha}$  for trees > 10 cm DBH; OR all diameter class sizes are represented in the stand (saplings < 10 cm; polewood 10-24 cm; small sawlog

26-36; medium sawlog 38-48 cm; large sawlogs 50-60 cm; x-large or veteran trees > 62 cm.

- **MEDIUM** – Average basal area for any community in the patch 12 – 24 m<sup>2</sup>/ha of trees >10 cm DBH; OR missing one of polewood, small, medium, or large size classes.
- **LOW** – Average basal area for all communities in the patch < 12 m<sup>2</sup>/ha for trees > 10 cm DBH; OR missing two or more of polewood, small, medium, or large size classes.

Score for **Criterion 5.1** based on the highest standard achieved for any one of the five standards

**NOTE:** 5.1d and 5.1e may require field investigations to determine size, distribution, and basal areas of trees within a given vegetation community.

### Criterion 5.2 – Distinctive, Unusual or High-Quality Landforms

This criterion relates to *Habitat Complexity and Diversity* as described in *Natural Heritage Reference Manual*, and the following concepts:

- a) Natural areas (or clusters of areas) that span a range of topographic, soil and moisture conditions tend to contain a wider variety of plant species and plant communities, and may also support a greater diversity of ecological processes (MNR 2010b).

#### A) Distinctive landform types

Analyses of the five broad landform types listed below that occur in the City were undertaken to assess landform-vegetation representational significance. This was derived by calculating the proportion of all vegetation patches overlapping with each of the five landforms areas that are considered protected (i.e., as Earth Science ANSIs, Environmentally Significant Areas, PSWs or river corridors) :

1. **Beach Ridge** landform is unusual and rare in the City with portions identified as Earth Science ANSI and PSW/ESA.
2. **Sand Plain** landform has very little protected areas present. It is considered high quality for the aggregate extraction industry.
3. **Spillway** is the 2<sup>nd</sup> largest landform unit with the greatest proportion of protected areas and contains most of the ESA's. It is the most distinctive landform unit including the Thames River, Stoney Creek, Medway Valley and Dingman Creek.
4. **Till Plain** is the largest landform unit with the least amount of protected areas and the highest amount of vegetation. Most of the land is considered high quality agricultural.
5. **Till Moraine** is the 3<sup>rd</sup> largest landform unit with fair amount of protected land. It accounts for the patches that fall on the upland landforms (Westminster Ponds – Pond Mills ESA / Meadowlily Woods).

Refer to **Figure 3.1** for glacial geomorphology mapping of landforms within the City of London.

**Criterion Ranking:**

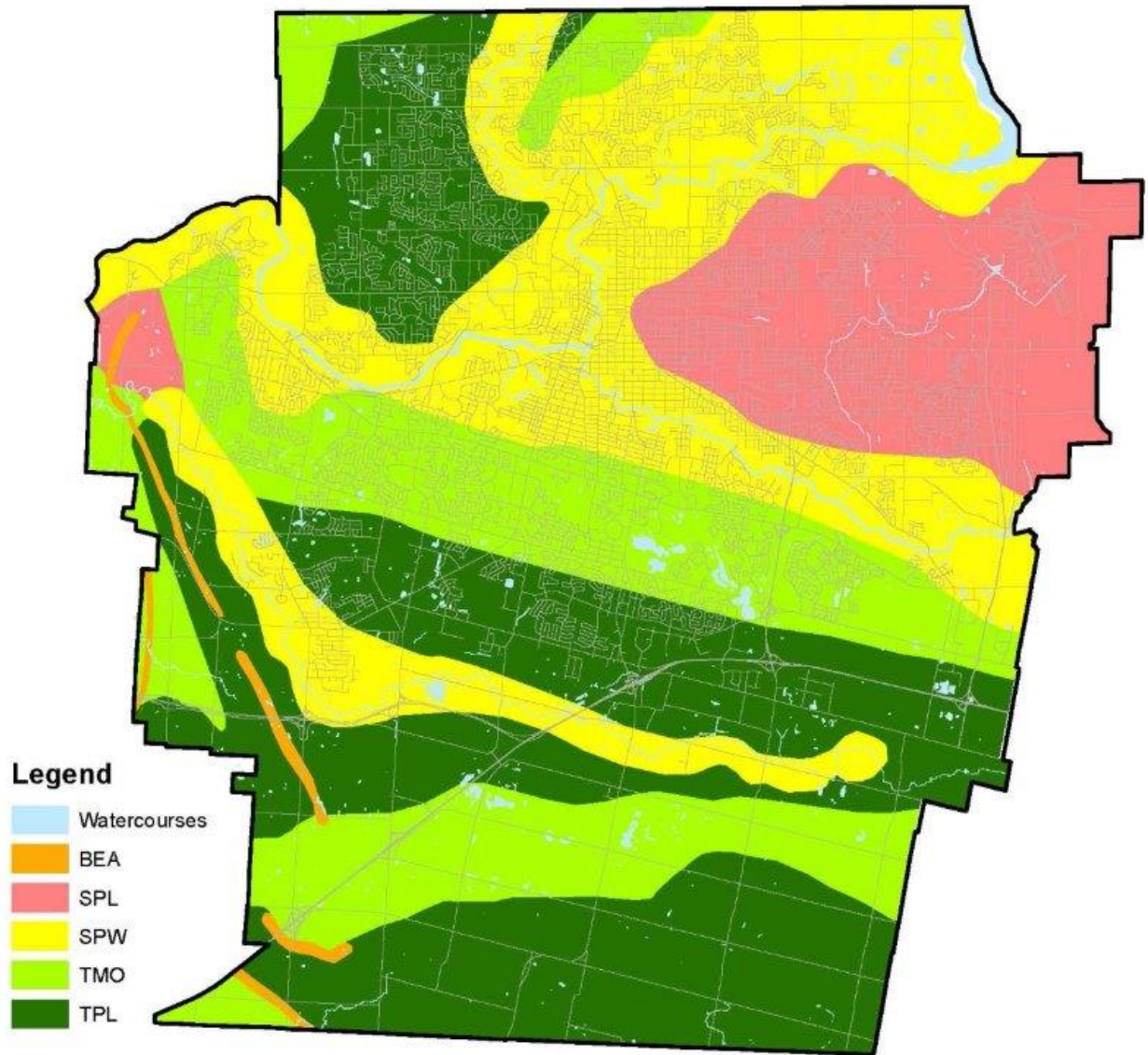
- **HIGH** – Patch located on an Earth Science ANSI OR on the Beach Ridge or Sand Plain physiographic landform units.
- **MEDIUM** – Patch located on the Till Plain or Till Moraine physiographic landform unit.
- **LOW** – Patch is located on the Spillway physiographic landform unit.

Score for **Criterion 5.2** (based on the highest standard achieved).

The woodland evaluation review summary sheet shall be completed and included as an EIS Appendix, where appropriate. The blank summary sheet can found in **Appendix D**.



**Figure 3.1:** City of London Glacial Geomorphology of the dominant physiographic units



## Environmentally Significant Areas (ESAs)

As outlined in *The London Plan*, ESAs are relatively large areas in the City that contain natural features and perform ecological functions that warrant their retention in a natural state. ESAs often capture a complex of wetlands, woodlands, SWH, and / or valleylands. The approach for delineation of wetlands, valleylands and SWH is described in **Section 4**.

In the City of London there are ESAs which have been confirmed as meeting the established criteria (which are included in the Green Space Place Type) and Potential ESAs that still require evaluation (which are included in the Environmental Review Place Type). ESAs that clearly satisfy two (2) or more of the criteria (as outlined in **Section 3.2.3**) will be considered for recognition as an ESA. These criteria are to be applied to all potential ESAs delineated on Map 5 of *The London Plan*.

### City of London Subwatershed Regions Policy and Context

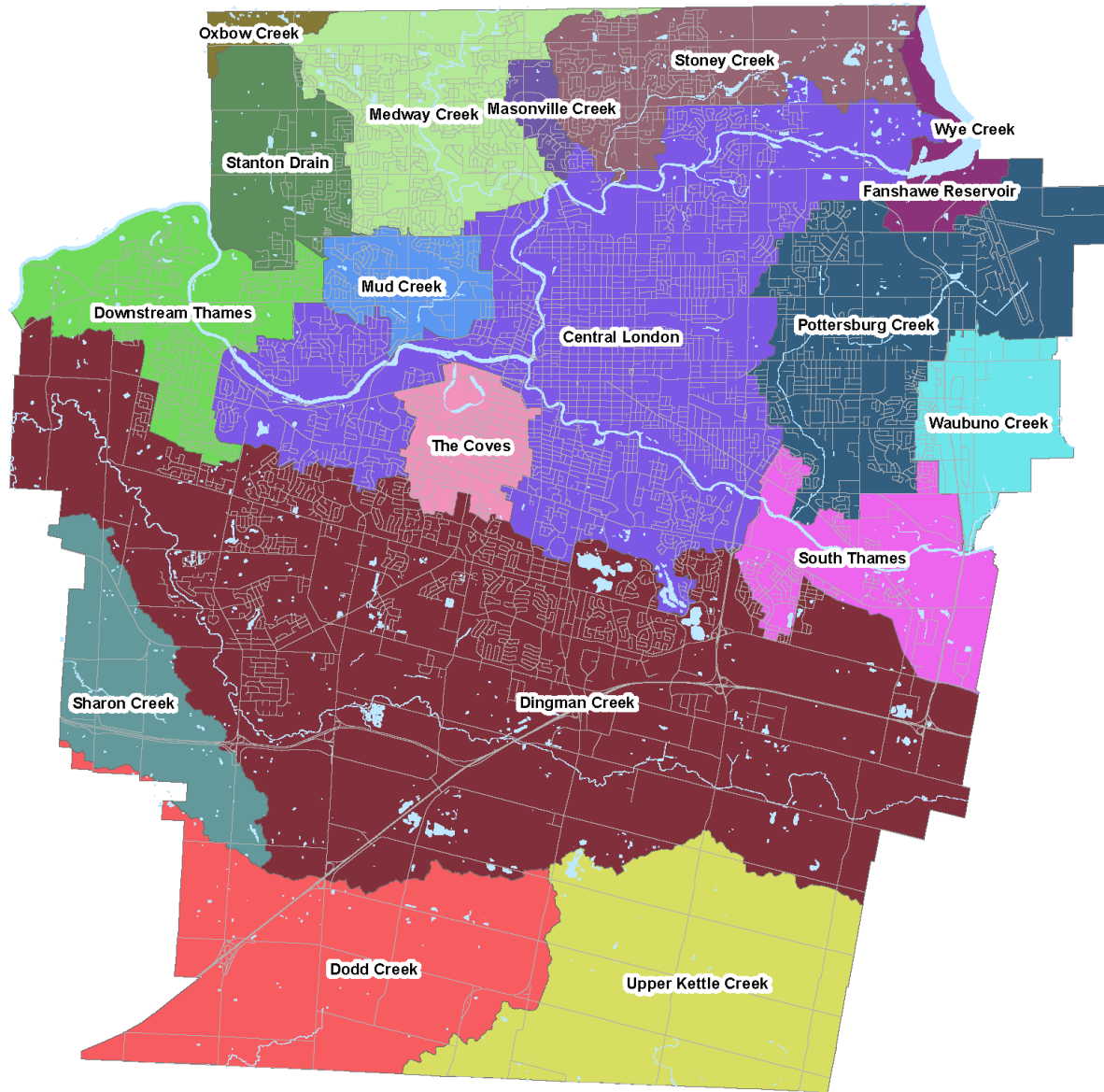
The policy framework for the identification and evaluation of ESAs is outlined in *The London Plan* – Policies 1367\_ to 1371\_. These policies provide the basis for the following guidelines and should be considered in conjunction with the Guidelines for Boundary Delineation as outlined in **Section 4**.

The following interpretations of the application guidelines should be noted:




















- These ESA guidelines are to be applied to Potential ESAs. Please refer to **Section 4.6** related to boundary delineation to determine whether Potential ESA(s) form part of an ESA patch. If a Potential ESA is not included in an ESA patch boundary, it must be assessed as a separate patch.
- The same natural heritage feature cannot be counted to satisfy more than one criterion for a given area. However, each feature shall be evaluated and listed under the criterion that it meets.
  - For example, if a community is identified as rare or uncommon, it would meet Criterion 1 listed below. If this community also contained high-quality, natural landform-vegetation communities representative of typical pre-settlement conditions, it would also meet Criterion 2 listed below. The community would be listed under both criteria but would only be applied towards the evaluation of significance for one of the criteria.
  - However, if there were other high-quality, natural landform-vegetation communities representative of typical pre-settlement conditions identified within the Potential ESA, Criterion 2 could also be applied towards the evaluation of significance.
- “Regional level” refers to the lands covered by the City of London subwatershed studies, including Oxbow Creek Subwatershed, Dingman Creek Subwatershed and the Central Area Subwatershed. For mapping of subwatersheds, refer to **City of London Subwatersheds** mapping and / or submit a **GIS Data Request** to the City of London – Geomatics Department.
- The term “County” refers to Middlesex County.
- Appropriate expertise, provided by a qualified professional (as outlined in **Section 2.6.6.11**) may be required to apply certain elements of Criterion 1 (unusual landforms), Criterion 4 (significant hydrological processes), Criterion 5 (aspects of biodiversity), Criterion 6 (important wildlife habitat or linkage functions), and Criterion 7 (significant habitat). Each time a criterion is applied, the rationale and source of expertise should be documented.

- The minimum data requirements to apply certain measures of a criterion, such as diversity indices, are detailed in the guidelines below, as well as the **Data Collection Standards** outlined in **Appendix C**. A standardized approach to data collection will enable more consistent application of these indices, and can inform long term planning.
- For documentation of rare community and species status, the most up-to-date resources and authorities will be utilized. Lists of rare and unusual communities and species will be considered open-ended, since data collected from other natural areas inventories may result in additions and deletions.
- For vegetation communities, the ELC system for Southern Ontario (Lee *et al.*, 1998) will be the standard protocol used to differentiate natural vegetation communities within patches.
- The term "area" in this document refers to patches or patch clusters (i.e., the combined area of contiguous patches), which are defined during boundary delineation (as outlined in **Section 4**).
- The focus of each criterion is to identify features of significance for protection.

Figure 3.2: City of London Subwatershed Regions



**Legend**

	Watercourses		Medway Creek		Stoney Creek
	Central London		Mud Creek		The Coves
	Dingman Creek		Oxbow Creek		Upper Kettle Creek
	Dodd Creek		Pottersburg Creek		Waubuno Creek
	Downstream Thames		Sharon Creek		Wye Creek
	Fanshawe Reservoir		South Thames		
	Masonville Creek		Stanton Drain		

## Environmentally Significant Areas (ESAs) Evaluation Criteria

### The London Plan 1371 - Criterion 1:

*The area contains unusual landforms and / or rare to uncommon natural communities within the country, province or London subwatershed region.*

**Background:** Identification of landforms that reflect geological processes or features instrumental in forming London's landscape or communities that have limited occurrence, abundance or range (distribution) is important for the maintenance of biodiversity including ecosystem, landscape, species and genetic diversity.

**Application:** Unusual Landforms

**National level:** Areas identified by recognized experts as geologically significant (e.g. Ontario Geological Survey)

**Provincial level:** Provincially significant Earth Science ANSIs

**Regional level:** Expert opinion (e.g. Dreimanis 1964a, 1964b) and data obtained through the Subwatershed Studies

#### Rare to Uncommon Natural Communities

**National/Provincial level:** Significance as interpreted from the Carolinian Zone community Subnational (Ontario) S-Ranks outlined in the **Natural Heritage Information Centre** (MNRF, 2020) or subsequent updates and / or amendments. A natural community is considered rare to uncommon if the S-Rank is between S1 and S3. Community identification can be determined through existing data and / or data obtained from the Subwatershed Studies. Rare vegetation communities can also be identified as evaluated through the SWH Criteria Schedules for Ecoregion 7E (MNRF, 2015a).

**Regional level:** Regionally significant Earth Science ANSIs and vegetation communities identified as rare to uncommon based on an analysis of the London Subwatershed Studies Life Science Inventories (Bowles *et al.*, 1994) or the best available data. This list will be open-ended to incorporate any new data collected from the London subwatershed region. It will include communities or "species assemblages" that have limited distribution and occurrence within the region (e.g. fens, older growth forests, boreal species assemblages), or that are at the limits of their distributional ranges (e.g. bogs), or that are remnants of original habitat (e.g. prairie and oak savanna). Vegetation communities meeting the criteria for SWH as outlined in **The London Plan – Policy 1354** are also considered rare.

**Source References:** Bogs, fens (Riley, 1989), or prairie/savannas (Riley and Bakowsky, 1993) may be identified through the presence of assemblages of indicator species. Older growth forests are evaluated in the context of the London subwatershed region, the top five percent of the oldest stage forests (climax and sub-climax) that are relatively undisturbed. Boreal indicator species will be defined by a specific list based on information obtained through the London Subwatershed Life Science Inventories (Bowles *et al.*, 1994).

There may be special cases where rare to uncommon vegetation communities are described by the presence of Nationally, Provincially, or Regionally rare plant species, if they are abundant or dominant (as described in **Section 8**) in one or more strata (i.e., canopy, understorey, etc as described in Lee *et al.*, 1998). In these situations, the presence of the rare plant would not be used to meet **Criterion 7** for rarity.

## The London Plan 1371 - Criterion 2:

*The area contains high-quality natural landform-vegetation communities that are representative of typical pre-settlement conditions of the dominant physiographic units within the London subwatershed region, and / or that have been classified as distinctive in the Province of Ontario.*

**Background:** The focus of this criterion is to identify representative examples of the full range of landform-vegetation types that occur on each of the five dominant physiographic units within the London subwatershed region (**Figure 3.1**). By representing all landform-vegetation associations in a protected areas system a significant portion of the biodiversity of an area will be maintained (Crins, 1996). By capturing representative native vegetation in the NHS, examples of pre-European settlement landscapes are also protected.

This Criterion differs from Criterion 1 with the emphasis on representation, size, and quality. The landform-vegetation communities do not have to be rare as long as they are the best examples of their type.

The dominant physiographic units are represented by the five glacial geomorphological features based on the Ontario Geological Survey Map P.2715 (Chapman and Putnam, 1984).

The presence of disturbance indicators does not necessarily disqualify a site from meeting this criterion if other factors relevant to this criterion are satisfied or if it is the only representative example. Similarly, lack of disturbance does not necessarily qualify a site. Disturbance indicators are used as a relative measure to rank sites.

**Application:** Sites representing the same landform-vegetation types will be ranked in a relative manner to select the best examples. Priority should be given to designating the best examples, with respect to size and quality. In addition, similar landform-vegetation community types will be compared only within the same physiographic unit (e.g. till moraine; till plain; sand plain; spillway; beach ridge)

Distinctive and natural landform-vegetation communities are defined at Provincial or Regional levels:

**Provincial level:** Presence of Provincially significant ANSIs as identified in Land Information Ontario (LIO). Presence of PSWs as defined by the **OWES** (MNRF, 2014a).

**Regional level:** All wetlands within the City of London are protected in accordance with **The London Plan**.

Presence of regionally significant ANSIs identified in LIO.

Presence of Ecosite vegetation community types (as outlined in ELC; Lee *et al.*, 1998) of high quality on distinctive topographic, landform, or cultural features, applied through existing data and data obtained from the Subwatershed Studies.

The following community types are examples, and thus not an exhaustive list:

- Moist-Fresh Black Maple Deciduous Forest Type on bottomland;
- Fresh Hemlock Coniferous Forest Type on valley slope;

- Fresh Sugar Maple-Beech Deciduous Forest Type on tableland; and
- Fresh Sugar Maple-Beech Deciduous Forest Type on valley slope.

**Comments:** Ecosite vegetation communities, as classified through ELC (Lee *et al.*, 1998), can be considered high-quality and thus applicable for this criterion based on the following:

- Rare vegetation communities as evaluated through the SWH Criteria Schedules for Ecoregion 7E (MNRF, 2015a);
- Vegetation communities meeting the criteria for SWH as outlined in ***The London Plan – Policy 1354***; and,  
Vegetation communities with an SRank 1-3 as described by the Natural Heritage Information Centre.

### [The London Plan 1371 – Criterion 3:](#)

*The area, due to its large size, generally more than 40 hectares, provides habitat for species intolerant of disturbance or for species that require extensive blocks of suitable habitat.*

**Background:** The focus of this criterion is to identify large contiguous blocks of natural habitat and / or combined “patches” or “patch clusters” that cover an extensive area.

The presence of large contiguous blocks of forested habitat are used as an indicator of forest-interior conditions which are required by certain forest-interior and area-sensitive species. The size, shape, and continuity of these forested areas are important factors for the identification of forest interior conditions

Large patches, or patch clusters are important for maintaining frequency of habitat across a landscape and genetic diversity of populations among interacting patches.

**Application:** This criterion can be met in any one (1) of two (2) ways:

1. The size of a patch is generally greater than 40 ha or the combined size of patches is generally greater than 40 ha and the patches are not interrupted by gaps wider than 20 m; or,
2. The area either a) contains some interior forest habitat which is at least 100 m from all forest edges and is not interrupted by gaps wider than 20 m, OR b) there is confirmed presence of one or more breeding birds which are either forest-interior species or area-sensitive species.

**Source** Freemark and Collins (1992) and Sandilands (1997) for forest interior species;  
**References:** Magee (1996) updated from (Hounsell, 1989) for area-sensitive species.

**Comments:** For patches or patch clusters straddling the City boundary, the area determination shall be based on the whole patch or patch cluster since this represents the ecological unit to which the criterion is applied.

The minimum size limit will result in the inclusion of only the largest areas in the London subwatershed region, as determined through available data and data from the subwatershed studies. [Note: Of 25 ESAs or Potential ESAs, four (4) fell within the range of 150 to 500 ha and two (2) were greater than 500 ha].

### [The London Plan 1371 - Criterion 4:](#)

*The area, due to its hydrologic characteristics, contributes significantly to the healthy maintenance (quality or quantity) of a natural system beyond its boundaries.*

**Background:** The focus of this criterion is to identify natural areas that contribute significantly to the quantity and quality of groundwater and surface water resources in the region. Factors such as the magnitude of the area covered or volumes of water involved and the importance of the resource should be used to assess the significance.

Landscape position and terrain setting should also be used to evaluate the significance of recharge areas.

**Application:** Presence of indicators of hydrological processes noted during subwatershed studies include but are not limited to:

- water storage;
- water release (discharge);
- wetlands;
- water quality improvement;
- first order stream / headwater;
- groundwater recharge and discharge areas identified on subwatershed maps as high potential; and,
- water conveyance (i.e. floodplain and overland flow paths).

For wetlands, those that meet three or more of five key hydrologic functions as identified in the hydrology section of the **OWES** (MNR, 2014a) would be considered significant by the City of London. [Threshold was determined based on a review of ten evaluated wetlands within the City of London].

For areas of significant groundwater recharge, where large areas have been identified as high potential, it is not expected that the entire area identified would qualify for this criterion. To be considered for inclusion as part of an ESA, the recharge or discharge area must also be part of a vegetation patch as identified in a subwatershed study or support naturally succeeding vegetation communities.

Permanent, non-channelized first-order streams containing Type I-II habitat (DFO, 1994) qualify for inclusion as part of the ESA.

**Source**  
**References:** Sources of information include but are not limited to wetland and hydrologic information presented by the UTRCA and by the Subwatershed Studies Aquatic Resources Management Reports for Vision '96 Subwatersheds (Beak Consultants 1995).

### [The London Plan 1371](#) – Criterion 5:

*The area has a high biodiversity of biological communities and / or associated plant and animal species within the context of the London subwatershed region.*

**Background:** The focus of this criterion is to identify areas that demonstrate high variability and variety of plants, animals, and communities or habitats. The primary attributes of “biodiversity” include “compositional”, “structural”, and “functional” diversity.



**Application:** For vegetation communities and species in the London subwatershed region, biodiversity can be measured in relative terms (e.g., based on analysis of the patches surveyed, the top percentage of patches that support the highest number of community types, or native species of plants, birds, mammals, herpetofauna, etc.).

**Source Reference:** Subwatershed Studies Life Science Inventories (Bowles *et al.*, 1994).  
For native species, Species-Area Curves may also be used to measure diversity. Areas where the actual number of species exceeds the expected number are considered diverse. Only native species will be used in the calculation.

Habitat diversity may also be used as supporting evidence of diversity (e.g., for herpetofauna the presence of vernal pools, woodland-pond interface, downed woody debris).

**Comments:** Evaluation of biodiversity should consider the variability of data obtained through different levels of field efforts.

Vegetation community classification will be based on *An Ecological Land Classification for Southern Ontario* (Lee *et al.*, 1998).

#### **The London Plan 1371 – Criterion 6:**

*The area serves an important wildlife habitat or linkage function.*

**Background:** The focus of this criterion is to identify significant wildlife habitats or linkages between significant natural features as identified in SWH Criteria Schedule for Ecoregion 7E. These habitats and linkages contribute to overall landscape richness and provides habitat for wildlife (MNRF, 2015a).

**Application:** Important wildlife habitat functions are outlined in depth in the SWH Criteria Schedule for Ecoregion 7E (MNRF, 2015a) and are grouped under the following four broad categories:

- Seasonal Concentration Areas of Animals;
- Rare Vegetation Communities or Specialized Habitat for Wildlife;
- Habitat for Species of Conservation Concern; and,
- Animal Movement Corridors.

The site fulfills an external linkage or corridor function between two or more significant habitats. The value of a linkage or corridor will be based upon characteristics such as habitat, shape, width, and length. Linkage function and attributes are described in the *Natural Heritage Reference Manual* (MNRF, 2010b). Linkages may include, but are not limited to, the following:

- early successional woodlands and plantations;
- water bodies, watercourses and valleylands;
- riparian zones;
- steep slopes and groundwater discharge areas;
- old fields;
- hydro and pipeline corridors;

- abandoned road and rail allowances; and,
- recreational greenway parks.

**Source** Provincial files and maps; subwatershed studies; other data obtained through site specific field investigations; MNR (1997); Riley and Mohr (1994).

**Comments:** Linkages should connect significant habitat areas for native species that will benefit from the presence of this linkage. Linear habitats (such as fencerows) that may have intrinsic habitat value, but do not connect larger protected areas, and those that are human imposed with no regard for the natural landscape system (such as channelized watercourses) should not be considered linkages (Harris and Scheck, 1991). Linkages and corridors, while also providing habitat or wildlife value, are important because they connect more substantive patches of habitat.

### The London Plan 1371 – Criterion 7:

*The Area provides significant habitat for rare, threatened, or endangered indigenous species of plants or animals that are rare within the country, province, or county.*

**Background:** The focus of this criterion is to identify populations of rare, threatened or endangered species for protection. This criterion is focused on SAR and rare species not covered under significant wildlife habitat under Criterion 6 (e.g., species of conservation concern).

Definitions of significant habitat are given under each of the categories of vascular plants and animals. The most current sources of rarity designations will be used. Lists of rare species are considered open-ended as new information will result in amendments over time. Data from the Subwatershed Studies Life Science Inventories (Bowles *et al.*, 1994) were used to update Middlesex County status for plants.

**Application:** Plant Species

Habitat for plant species should be indicated by the presence of a population. The presence of a single specimen of a rare plant will not qualify an area under this criterion.

**Federal SAR :** COSEWIC Status reports

NHIC Global Ranks (GRANK) for Rare Vascular Plants (Oldham, 1994a) and Mosses (Oldham, 1994b).

- Species listed with a global rank of G1 to G3
- SAR listed under the *Species at Risk Act*

Rare Vascular Plants in Canada (Argus and Pryer, 1990), Database of Vascular Plants of Canada (VASCAN; Canadensys, 2020)

**Provincial SAR:** NHIC Provincial Rank (SRANK) for Rare Vascular Plants (Oldham, 2009; Oldham, 2017) and for Mosses (Oldham, 1994b).

- Species listed with a provincial rank of S1 to S3
- Provincially designated SAR in Ontario

Atlas of the Rare Vascular Plants of Ontario (Oldham & Brinker, 2009; Oldham, 2017) COSSARO Status reports

**Middlesex County Rare Species:** Status of the Vascular Plants for Ecoregion 7E

(Oldham, 2017)

- Rare in SW Ontario

SWFLORA database for Subwatershed Life Science Inventories (Bowles *et al.*, 1994)

- Rare in Middlesex County

Species recorded that have 1-4 records (stations) in Middlesex County. Note: Plant records collected from the subwatershed studies were used to update the rare status at the county level.

### Animal Species

Habitat for animal species should be interpreted to mean areas where one (1) or more rare species are resident or breeding in the area, and / or making use of the area for a key component of their life cycle (e.g. territory, nesting, critical feeding grounds or wintering concentrations). Documentation of repeated (multi-year) use of an area by a species adds to the significance of the habitat. For breeding birds, the presence of suitable habitat for territory, nesting and feeding; for butterflies, the presence of suitable habitat including the host plants upon which they feed; for mammals, the presence of signs of active use of an area (e.g. dens, bedding areas, well-used trails, scat, etc.); for herpetofauna, the presence of suitable habitat for breeding (e.g. vernal pools, downed woody debris) and hibernating (presence of hibernacula).

### **Federal SAR:** COSEWIC Status reports

NHIC Global Ranks (GRANK) for Amphibians and Reptiles, Mammals, Birds, Insects (e.g., butterflies, moths, odonata, hymenoptera, etc.) and Fishes

- Species listed with a global rank of G1 to G3
- SAR listed under the *Species at Risk Act*

**Provincial SAR:** NHIC Provincial Rank (SRANK) for Amphibians and Reptiles, Mammals, Birds, Insects, and Fishes

- Species listed with a provincial rank of S1 to S3
- Provincially listed SAR in Ontario
- COSSARO Status reports

**Middlesex County Rare Species:** Southwestern Ontario regional status based on records in provincial atlases:

- mammals – e.g., Atlas of the Mammals of Ontario (Dobbyn, 1994)
- breeding birds – e.g., Avian Conservation Assessment Database (Partners in Flight, 2020), Atlas of the Breeding Birds of Ontario (OBBA) 2001-2005 (OBBA, 2007)
- insects – e.g., Ontario Butterfly and Moth Atlases (Toronto Entomologists' Association, 2020)
- herpetofauna – e.g., Ontario Reptile and Amphibian Atlas (Ontario Nature, 2019)

Middlesex County status of rarity is based upon the most recent existing county records:

- mammals - provincial mammal atlas and records from the appropriate Provincial District office

- breeding birds - open ended lists from the provincial bird atlas (OBBA, 2007; Partners in Flight, 2020) and best available county information;
- insects - best available county information;
- herpetofauna - status of amphibians and reptiles in Middlesex County (Ontario Nature, 2019)

**Comments:** Other non-vascular plant (e.g. mosses) and faunal groups (e.g. Odonata) should be included where and when the information is available.

The following sections provide guidelines for the evaluation of significance and ecological function for the following natural heritage features as specifically outlined in ***The London Plan***:

- Wetlands;
- Significant Wildlife Habitat; and,
- Valleylands.

Although other natural heritage features may require evaluation and subsequent protection (e.g., fish habitat, wetlands, etc.), the guidelines for evaluating those natural heritage features are outlined in the applicable provincial, federal, or other technical documents. It is expected that all natural heritage features be evaluated in accordance with the appropriate and most up-to-date guidelines and / or policies.

### Provincially Significant Wetlands, Wetlands and Unevaluated Wetlands

There are three (3) categories of wetlands within the City of London protected as per ***The London Plan*** (Policies 1330\_ to 1336\_) and the applicable Conservation Authority policies (e.g., UTRCA 2017):

- Provincially Significant Wetlands (PSWs)
- Wetlands, and
- Unevaluated Wetlands.

PSWs (on the City’s Map 5 and / or in the Province’s mapping data layers) may be re-evaluated by proponents in accordance with the Ontario Wetland Evaluation System (OWES) (MNRF, 2014a) as outlined in the *Natural Heritage Reference Manual*. The Province remains responsible for reviewing and approving any additions, deletions or refinements to identified PSWs.

Assessments under the OWES system must be done by a qualified professional who is certified and experienced in application of the system.

Unevaluated Wetlands mapped in the City of London (on the City’s Map 5 and / or in the Province’s mapping data layers) are also to be evaluated for significance using the OWES as outlined in the *Natural Heritage Reference Manual*. The evaluation is to be submitted to the Province for their review and decisioning.

Unmapped wetlands identified through the vegetation community assessment process may need to be evaluated for significance using the OWES system. These include the following ELC Community Series:

- SWAMP - deciduous swamp (SWD), mixed swamp (SWM) or coniferous swamp (SWC);
- FEN – open fen (FEO), shrub fen (FES) and treed fen (FET)

- BOG – open bog (BOO), shrub bog (BOS) and treed bog (BOT)
- MARSH – meadow marsh (MAM), shallow marsh (MAS)
- SHALLOW WATER – submerged shallow aquatic (SAS), mixed shallow aquatic (SAM) and floating-leaved shallow aquatic (SAF), and
- OPEN WATER (OAO).

Guidance for boundary delineation of wetlands is provided in **Section 4**.

Wetlands evaluated for provincial significance that do not meet the criteria for designation as a PSW (per OWES), as confirmed by the Province, will be identified as “Wetlands” within the City of London, irrespective of size or condition.

PSWs, Unevaluated Wetlands and other Wetlands will be added, removed or refined to Map 5 – Natural Heritage in **The London Plan** as new information becomes available. PSWs and Wetlands are also mapped as Green Space Place Type on Map 1, while Unevaluated Wetlands are mapped as features for Environmental Review.

All wetlands (including PSWs) and their adjacent lands are also regulated by the local Conservation Authorities and may also require consideration under the applicable Conservation Authority policies, as well as the Natural and Human-made Hazards Policies in **The London Plan**.

For more information related to the evaluation of significant wetlands using the OWES, and its application under the Provincial Policy Statement, refer to the *Natural Heritage Reference Manual* (MNRF, 2010b) as well as Ontario’s Wetlands evaluation website.

### Significant Wildlife Habitat (SWH)

Policies outlined in the Provincial Policy Statement and **The London Plan** (Policy 1353\_) protect Significant Wildlife Habitat (SWH) by not permitting development and site alteration within or in the lands adjacent to SWH unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

**The London Plan** (Policies 1352 and 1354) provides key considerations for the determination of significance for wildlife habitat within the City of London. As per these policies, candidate Significant Wildlife Habitat (SWH) should be screened for and assessed utilizing the process outlined in the *Natural Heritage Reference Manual*, specifically utilizing the *Significant Wildlife Habitat Technical Guide* (MNRF, 2000), in conjunction with the criteria in the supplementary *Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E* (MNRF 2015a) and the criteria outlined in Policy 1354\_1 through 1354\_3.

With respect to Policy 1354\_3, passive recreation opportunities refer to activities such as hiking, photography and eco-tourism.

Within the City of London, areas confirmed as SWH are to be designated as a natural feature/area within the Green Space Place Type and included in Map 1.

### Significant Valleylands and Valleylands

Valleylands, as defined in the *Provincial Policy Statement*, refers to natural areas that occur in a valley or landform depression with standing or flowing water for a period of the year. Valleylands include features such as rivers, streams, other watercourses, and ravines. Valleylands provide many important ecological functions (e.g., wildlife habitat, water storage/transport), as well as linkages/connectivity between other natural heritage features and areas within the NHS.

Policies for the identification and protection of Significant Valleylands and Valleylands are provided in **The London Plan** (Policies 1344 to 1349) and should be considered in conjunction with the applicable Conservation Authority policies (e.g., UTRCA 2017). The policies provide considerations for the identification and determination of significance for valleylands based on the evaluation of landform-related functions and attributes, ecological features and restored ecological functions.

Table 8-1 in the *Natural Heritage Reference Manual* outlines specific standards on the evaluation of function criteria for valleylands (e.g., surfacewater functions, distinctive landforms, habitat value, etc.). These criteria should be referenced when determining the significance of valleylands in conjunction with the guidance provided in **The London Plan**.

**The London Plan** also includes direction (Policy 1350) for the determination of valley corridor width. Supplemental guidance related to boundary delineation for valleylands is described in **Section 4.2.2** of the EMGs.

Within the City of London, Significant Valleylands are designated as a natural feature/area within the Green Space Place Type, therefore Green Space Place Type policies outlined in **The London Plan** are also applicable. Valleylands that have been identified but not yet assessed are identified within the Environmental Review Place Type, pending evaluation. Note that air photo interpretation and / or site investigations may identify additional valleyland features.

In consultation with the applicable Conservation Authority, the City of London may consider alterations to river or stream valleys and watercourses to enhance, rehabilitate, and / or restore the system (e.g., bank stabilization, riparian plantings, and barrier removal) in accordance with Policy 1351.

## Boundary Delineation of Natural Heritage Features and Areas

Delineation of natural features and areas requires an understanding of both technical and policy elements related to the feature and / or area being considered. Ecological boundary delineation is an important part of the planning process as it determines what will be considered for further evaluation. The City of London recognizes that it is important for the approaches taken to be as transparent and consistent as possible both to preserve the integrity of the City's Natural Heritage System (NHS) and ensure the planning process is being implemented appropriately.

Ecological boundary delineation is required before natural features and areas can be evaluated for significance, and may be reviewed when site alteration or development is proposed adjacent to natural heritage features and areas that have already been identified and confirmed. This section provides guidelines for delineating the ecological boundaries of natural heritage features and areas including currently mapped and unmapped features. It specifically includes:

- An overview of the jurisdictional responsibility and policy direction related to ecological boundary delineation for each NHS component in the City;
- General guidance for delineation of unevaluated vegetation patches in the City of London; and,
- Feature-specific boundary delineation guidance for: Wetlands, Woodlands and Significant Woodlands, Valleylands and Significant Valleylands, Significant Wildlife Habitat, Environmentally Significant Areas (ESAs) and other lands to be identified through an environmental study (such as critical Function Zones [CFZs] and linkages).

Notably, the boundaries delineated for natural heritage features do not include any setbacks, buffers, or adjacent lands. Guidance for Ecological Buffers is provided in *The London Plan* (Policies 1412\_ to 1416\_) and supplemented with the guidance in Section 5 of these EMGs.

In addition, these boundary guidelines are focused solely on ecological boundaries irrespective of property lines. However, it is understood that while natural heritage features and areas may cross property boundaries, that field verification of such boundaries may be limited to the subject property.

The purpose of these guidelines is:

1. To document and describe a repeatable process based strictly on ecological considerations, leading to credible mapping which can be used for planning, protection and monitoring;
2. To provide the basis for resolving variations between different scales and types of mapping; and,
3. To establish a common understanding and approach between planners, consultants, and the public regarding the ecological aspects of boundary delineation for natural features.

### Policy Context and General Guidance

Some components of the City's NHS must have their boundaries confirmed by the appropriate federal or provincial agency, while the boundaries of other components are the City's responsibility to confirm, sometimes in consultation with the local Conservation Authority. An overview of the jurisdiction responsible for confirming boundaries for the various NHS components, as specified in *The London Plan*, is summarized in **Table 2-1**.

The following applies to any natural heritage feature or area, including vegetation patches, mapped or unmapped, to be considered as part of an Environmental Study through the planning process.

1. The term "vegetation patch" refers to an area that contains natural vegetation, along with

associated features and functions. Vegetation patches are considered as one unit and can be comprised of multiple “natural heritage features” inside the patch (e.g., woodland, wetland, etc.). The initial feature boundary will be drawn at the interface between naturalized vegetation and the adjacent lands, generally conforming to the patch outline.

2. The ecological boundary is determined based on ecological principles, refined through the application of these guidelines, and without regard for property lines. Boundary delineation guidelines shall not be used to separate a vegetation patch into specific parts that can be treated individually as having lesser or greater significance and / or contribution to ecological function.
3. Application of these guidelines should be illustrated at a map scale of 1:10,000, using aerial photography and other tools as necessary. Further refinements will be made at a smaller scale (e.g., 1:5,000 or 1:2,000 scale), and may require field investigations. For the completion of an Environmental Study, boundaries must be geo-referenced to the best accuracy possible.
4. The diagrams and examples that form part of the conditions for boundary delineation provided below are intended to convey the intent of the guidelines. While not drawn to scale, these diagrams do depict the relative sizes and distances of the areas shown. A legend has been included to aid in the interpretation of the diagrams.
5. In the application of these guidelines, the most recent map sources, current and historical aerial photographs, and ecological background studies/documents should be used to verify the initial boundary.

## Wetlands

The overarching policy framework for PSWs, Wetlands, and Unevaluated Wetlands is outlined in **The London Plan** – Policies 1330 to 1336. Wetlands of any size must be identified, delineated and screened in accordance with both City and Conservation Authority policies (e.g., UTRCA 2017).

The first step in delineating wetland features is to define the wetland types and delineate these vegetation communities approximately utilizing the ELC System (Lee *et al.*, 1998). The second step, is to confirm and, if needed, refine the delineation of internal boundaries (e.g., between different types of wetlands, boundary between wetland and upland communities), external boundaries (e.g., between wetlands and non-natural land uses), and wetland complexes (if applicable) using the Ontario Wetland Evaluation System (OWES) (MNRF, 2014a). The OWES provides in-depth instructions on the delineation of internal and external boundaries and generally consists determining wetland boundaries within areas of gradual ecological change (i.e., transitional areas, eco-tones) utilizing a combination of the following information:

- Transition (i.e., a 50% split) between wetland and upland plant community (percent cover);
- Topography, such as elevation and slope; and,
- Soil substrate.

Wetland boundaries should be scaled to 1:10,000 for mapping purposes, with the width of the boundary line being scaled to cover the equivalent of 15 m in real world application (MNRF, 2014a).

The wetland boundary delineation must be conducted by a qualified professional (i.e., a person certified and experienced in the application of OWES), and is typically undertaken in the field with the applicable



Conservation Authority. Existing boundaries of PSWs remain as mapped unless any proposed revisions are approved in writing by the the Province.

Beyond the wetland community boundaries, the Critical Function Zone (CFZ) must also be included for constraints mapping and site planning. CFZs are non-wetland areas within which biophysical functions or attributes directly related to the wetland occur (Environment Canada, 2013). Effectively, the CFZ is a functional extension of the wetland into the upland. For example, this could include: upland grassland nesting habitat for waterfowl (that use the wetland to raise their broods), upland foraging areas, overwintering and nesting habitat for reptiles and amphibians. Foraging areas for frogs and dragonflies, and / or nesting habitats for birds that straddle the wetland-upland ecozone could also be considered part of the CFZ.

CFZs do not replace the functions of a buffer. For more in-depth information on determining CFZs, refer to Environment Canada (2013).

### Significant Woodlands and Woodlands

The overarching policy framework for the identification and evaluation of woodlands is outlined in **The London Plan** – Policies 1337 to 1343, 1383 and 1386, and includes local criteria aligned with the *Natural Heritage Reference Manual*.

The *Provincial Policy Statement* protects Significant Woodlands by not permitting development and site alteration within these features or on adjacent lands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Most potential Woodlands are shown as Unevaluated Vegetation Patches on Map 5 – Natural Heritage and as Environmental Review Place Type on Map 1 in **The London Plan**. However, as identified in **The London Plan** – Policy 1316, the absence of vegetation patches from the aforementioned mapping does not necessarily mean that additional unevaluated vegetation patches do not exist. Therefore, proponents must assess the subject lands in question to screen for the presence of any additional Unevaluated Vegetation Patches and / or other vegetation patches larger than 0.5 ha.

Significant Woodland and Woodland boundary delineation shall be conducted by qualified professionals with expertise in ecology, hydrology and geomorphology. All woodland boundaries are to be delineated in the field at the Drip Line of the feature.

**Section 3.1** includes guidance related to the evaluation of woodlands.

### Valleylands and Significant Valleylands

The overarching policy framework for the identification of Significant Valleylands is outlined in **The London Plan** – Policies 1347 to 1349, and includes local criteria aligned with the *Natural Heritage Reference Manual* guidance, but also refers to this guidance for additional criteria. Relevant guidance from the applicable Conservation Authority policies (e.g., UTRCA 2017) should also be considered.

The *Provincial Policy Statement* defines valleylands as natural areas that occur in a valley or other landform depression that have water flowing through or standing for some period of the year, and includes rivers, streams, other watercourses and ravines) (MMAH, 2020). Significant valleylands also play an essential role in the NHS, such as providing connectivity (e.g., migration and dispersal corridors) (MNRF, 2010b).

Valleylands may be clearly defined (e.g., with steep ravines sloping down towards a permanent watercourse), or may not have a well-defined corridor or permanent flows (e.g., in areas of headwaters, seeps) (MNRF, 2010a).

Specific policies for the boundary (width) delineation of Significant Valleylands are outlined in **The London Plan** Policy 1350. Significant valleyland boundary delineation shall be conducted by a qualified professionals with expertise in ecology, hydrology and geomorphology.

**Section 3.5** includes guidance related to the evaluation of valleylands.

### Significant Wildlife Habitat

The overarching policy framework for the protection and determination of the significance of Significant Wildlife Habitat (SWH) is outlined in **The London Plan** Policies 1352\_ to 1355\_. These policies point to the guidance in the SWHTG (MNRF 2000b) and the *Natural Heritage Reference Manual* (MNRF 2010b), the Province's criteria schedules for Ecoregion 7E (MNRF 2015a) for determination of the significance and delineation of SWH and municipal criteria outlined in Policy 1354\_.

SWH is the most complex habitat category in the City's NHS (and in the *Provincial Policy Statement*) as it seeks to capture ecologically important and somewhat specialized habitat types for a broad cross section of species and ecological functions. In Ecoregion 7E, the ecoregion in which London is situated, there are 35 categories of SWH. SWH often occurs as a subset of or within other natural heritage features or areas (such as wetlands or woodlands), but may also extend beyond or occur outside of such features or areas.

The applicable guidance, particularly for the ecoregional criteria, largely relies on vegetation community polygons delineated at the Ecosite level using the ELC system (Lee *et al.*, 1998) to determine the extent of habitat to be considered as SWH, although a few SWH categories are delineated using the presence or absence of other habitat features not linked to one or more specific Ecosite type. Nonetheless, in most cases, the presence of one or more of the specified Ecosite types in conjunction with the presence of one or more of the defining criteria within the applicable polygons is sufficient to warrant consideration of a feature or area as candidate SWH. The current and proposed land use context should, however, also be considered in conjunction with the habitat needs and sensitivities of the species / group of species in question, and the broader context of the NHS on a City-wide scale, in determining appropriate boundaries for the SWH type.

It is the City of London's responsibility to determine whether or not the candidate SWH should be confirmed, the extent of the habitat to be protected, and the mitigative measures required, if any. Depending on the nature and location of the SWH, boundaries should also be determined in consultation with the other applicable agencies (e.g., Conservation Authority).

Further, delineation of SWH should be informed by information collected from aerial mapping and observations from site investigations, and should be confirmed in the field by a qualified professional.

**Section 3** provides supplemental guidance on the evaluation of SWH.

### Environmentally Significant Areas (ESAs)

The overarching policy framework for the evaluation of Environmentally Significant Areas is outlined in **The London Plan** – Policies 1367\_ to 1371\_, and includes local criteria unique to London. As outlined in **The London Plan**, ESAs are relatively large areas in the City that contain natural features and perform ecological functions that warrant their retention in a natural state. ESAs often capture a complex of

wetlands, woodlands, SWH, and / or valleylands and are delineated based on the features that they contain.

ESAs that have been evaluated are included as Green Space Place Type on Map 1 – Place Types and are mapped on Map 5 – Natural Heritage. However, Potential ESAs patches or other vegetation patches greater than 0.5 ha (as identified through subwatershed plans or other environmental studies) should be delineated and assessed for significance (as outlined in **Section 3**). It is important to note that mapping in **The London Plan** is dynamic in nature, and not all potential vegetation patches or those identified for protection may be included in the mapping at a given time. It is the responsibility of the proponent to determine potential vegetation patches for evaluation as part of the planning process and development application.

Appropriate expertise provided by a qualified professional is required to delineate ESA elements. For vegetation communities, the ELC system for Southern Ontario (Lee *et al.*, 1998) will be the standard protocol used to differentiate natural vegetation communities within patches. The term "area" in the context of an ESA refers to patches or patch clusters (i.e., the combined area of contiguous patches), which are defined during boundary delineation and included in the feature boundary).

**Section 3.2** includes guidance related to the evaluation of ESAs.

### Vegetation Patches

In general, vegetation patches have been identified through subwatershed plans or other environmental studies and have been mapped in **The London Plan** on Map 1 – Place Types and Map 5 – Natural Heritage. Vegetation patches that have been evaluated for significance may become designated as an NHS component (e.g., Significant Woodland or Woodland) in whole or in part, in accordance with the guidance provided in **Section 3**.

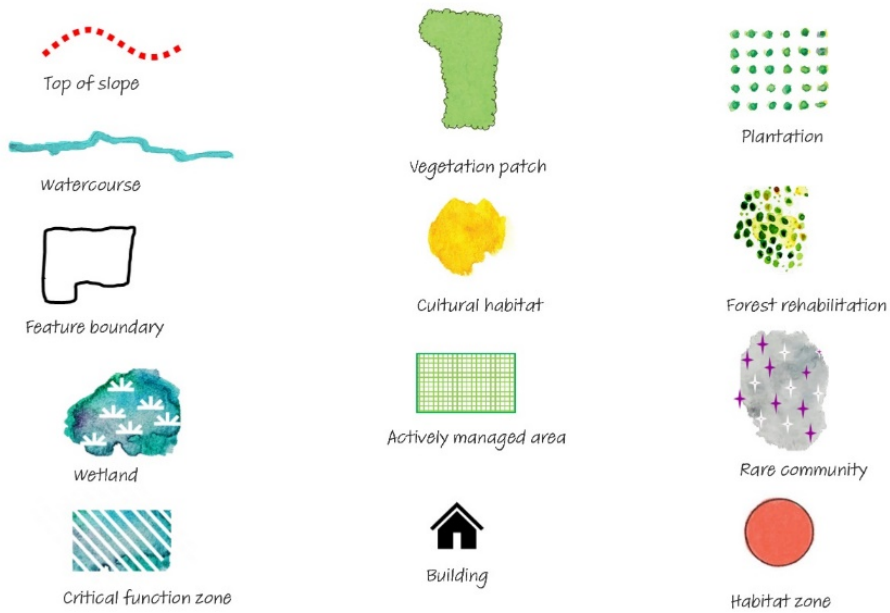
As outlined in **The London Plan**, vegetation patches that have been evaluated may be included as Green Space Place Type on Map 1 – Place Types and mapped as the corresponding natural heritage feature (e.g., as Significant Woodlands or Woodlands) on Map 5 – Natural Heritage.

Unevaluated Vegetation Patches or other vegetation patches greater than 0.5 ha (identified through subwatershed plans or other environmental studies) should be delineated and assessed for significance as outlined in **Section 3**.

It is important to note that mapping in **The London Plan** is dynamic in nature, and that not all potential vegetation patches greater than 0.5 ha may be included in the mapping at a given time. It is the responsibility of the proponent to identify and assess vegetation patches for evaluation as part of the planning process in accordance with the guidance in **The London Plan** and this document.

### Boundary Delineation Guidelines

**Figure 4.1: Legend for all Boundary Delineation Guideline Graphics**



The following guidelines outline the process for determining natural feature boundaries.

**GUIDELINE 1:** Species at Risk (SAR) habitat and Significant Wildlife Habitat (SWH) **must be included within the feature boundary.**

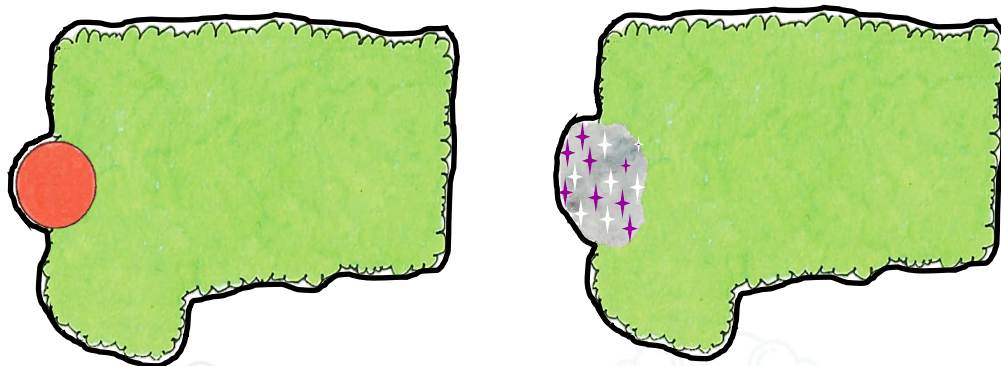


Figure 4.2: Guideline 1 Illustration

### Conditions:

Confirmed SAR habitat (including associated habitat zones) is to be included within the feature boundary include habitat for Federal and Provincial SAR protected under the federal *Species at Risk Act* and provincial *Endangered Species Act*. For the City of London’s policies related to SAR habitat, refer to **The London Plan** – Policies 1325-1327.

In addition to SAR habitat, all confirmed SWH is to be included as determined through ELC (Lee *et al.* 1998) and further assessed using the *Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E* (MNRF, 2015a) and the *Significant Wildlife Habitat Technical Guide* (MNRF, 2000b) and, for the City of London’s policies related to SWH, refer to **The London Plan** – Policies 1352-1355.

### Rationale:

SAR habitat and SWH are essential for maintaining critical life processes, biodiversity, and aiding in the protection and recovery of rare species/communities and SAR (MNRF, 2010b). Further, underrepresented or rare species and communities (i.e., SAR, SWH) are under pressure from habitat fragmentation and overall loss of habitat, therefore one important goal for ecological function when establishing/defining natural heritage features is to provide habitat to these rare species (MNRF, 2010b).

In regards to SAR habitat, a habitat zone is a feature or area used regularly for a key lifecycle requirement for a species or habitat that requires special protection. The vegetation in the habitat zone doesn’t necessarily need to be of natural origins and could contain culturally influenced communities. The critical habitat of a plant species may extend to areas in the immediate vicinity of population that have similar soil, moisture, exposure, and community conditions.

Examples of habitat zones that may require special protection are:

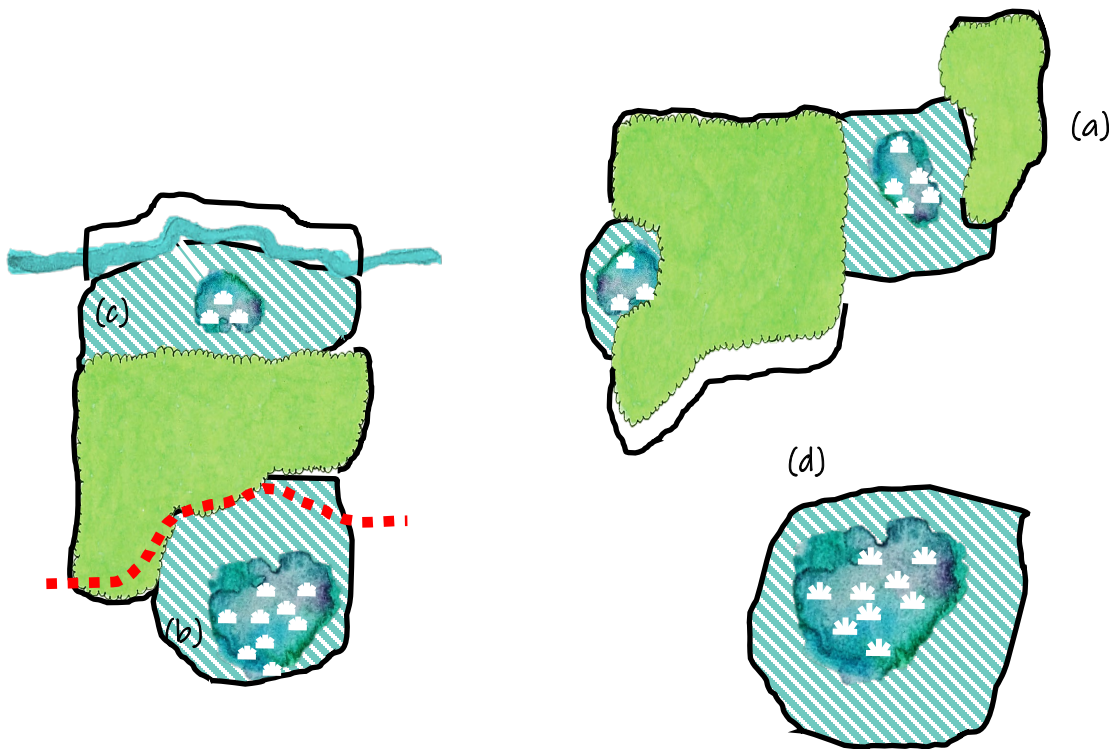
- Old fields, hedgerows, and woodland edges that may be important habitat for American badger (*Taxidea taxus jacksoni*) maternal and other den sites, as well as migration corridors for the dispersal of young (Ontario American Badger Recovery Team, 2010); and,
- Sandy shorelines that provide critical nesting habitat for the Eastern Spiny Soft-shell Turtle (*Apalone spinifera*) often occurring along the Thames River.

**GUIDELINE 2:** Swamps, Marshes, Thicket Swamps, or other Untreed Wetland communities and their associated Critical Function Zones (CFZs) contiguous with a patch **must be included within the feature boundary** (inset d of **Figure 4.3**).

To be included in the patch boundary, the wetland communities must meet at least one of the following criteria:

- a) The wetland strengthens a linkage between natural areas by filling in a bay or connecting two or more patches or is contiguous with the patch;
- b) The wetland is located above the top-of-slope of stream corridor or ravine;
- c) The wetland connects a patch to a permanent, natural watercourse; or,

d) The wetland CFZ is included within the feature boundary.



**Figure 4.3: Guideline 2 Illustration**

**Conditions:**

Although all wetlands are protected under the City of London’s policies related to PSWs, Wetlands, and Unevaluated Wetlands (*The London Plan* – Policies 1330-1336), marshes, thicket swamps, and other untreed wetlands (along with their associated CFZs) that meet the criteria above must be included within the overall vegetation patch boundary. All other wetlands, including PSWs, Wetlands, and Unevaluated Wetlands and their associated CFZs that do not meet the above criteria are to be delineated as their own vegetation patch. CFZs include non-wetland areas within which biophysical functions or attributes directly related to the wetland occur (Environment Canada, 2013). Reference to Environment Canada (2013) can be made for more information on determining specific CFZs, however review of the most up-to-date documents on CFZs should be conducted.

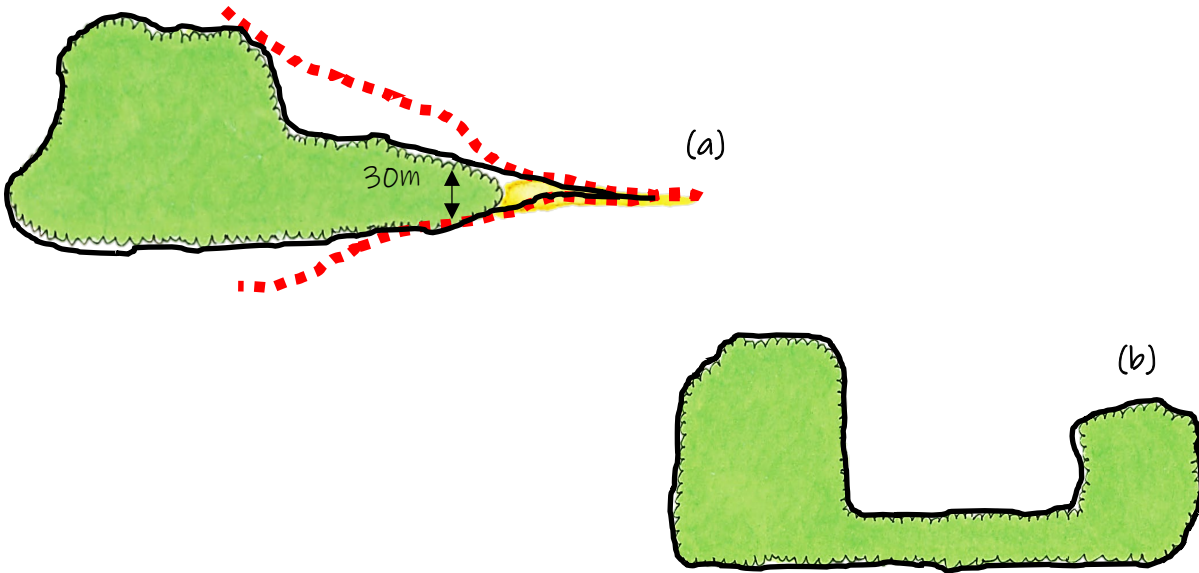
**Rationale:**

Wetlands provide important habitat for plants, fish and wildlife. Wetlands also influence the quality and temperature of water flowing through them and some wetlands provide storage capacity to offset peak flows associated with storm events.

CFZs are natural areas that surround wetlands and can provide a suite of benefits to wetland function and to the species dependent on the wetland. In many cases, these natural areas, although they extend beyond the limits of the wetland, are inherently part of the wetland ecosystem and provide habitat for critical life processes to wetland species (Environment Canada, 2013).

**GUIDELINE 3:** Projections of naturalized vegetation **less than thirty meters (30 m) wide that extend from the main body of the patch:**

- a) **must** be included within the boundary if the projection includes a wooded ravine or valley with untreed or successional habitat below the top-of-slope; and
- b) **must** be included within the boundary if the projection provides linkage within the landscape.

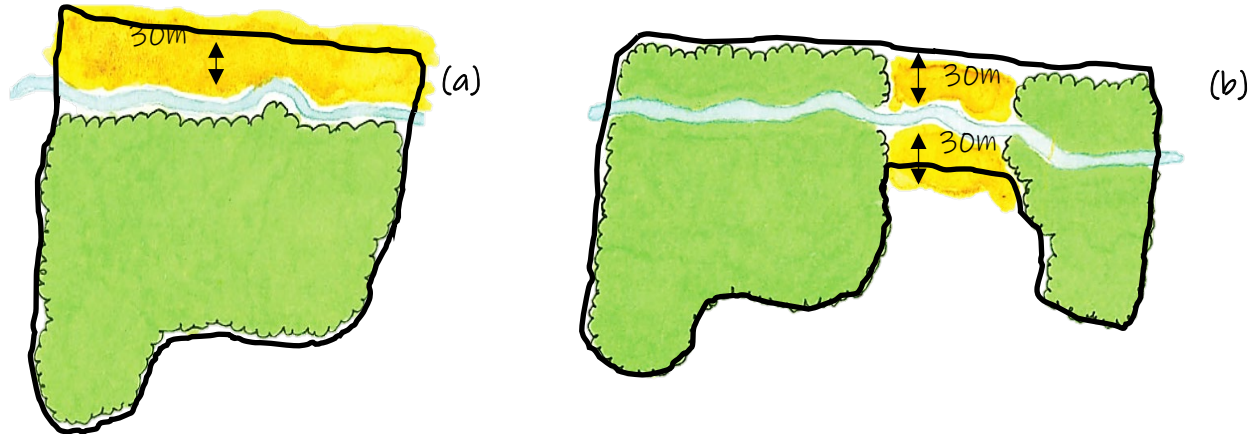


**Figure 4.4: Guideline 3 Illustration**

**Rationale:**

Ravine, valley, and upland corridors are important components of the NHS because they contain natural habitat, provide linkages, increase species richness and diversity, and facilitate movement and dispersion. Landscape connectivity (e.g., through linkages) is important in the maintenance of ecological function of patches and reduces landscape fragmentation that lead to smaller, more isolated features (MNRF, 2010b). For example, linkages can provide a dispersal route for species (i.e., connectivity) to complete different aspects of their life cycles, such as allowing reptiles and amphibians to travel between breeding and overwintering habitat (MNRF, 2010b).

**GUIDELINE 4:** All Watercourses **must be included within the feature boundary**.



**Figure 4.5: Guideline 4 Illustration**

Figure 4.5 is an example of the inclusion of watercourses for defining vegetation feature boundaries, where a) depicts a watercourse at the edge of a vegetation patch and b) depicts a watercourse connecting two (2) patches.

**Conditions:**

The edges of the watercourse **must be measured from the high-water mark** and will include the following minimum corridor widths:

- 15 m on each side of small watercourses (valleylands);
- 30 m on each side of significant watercourses with a warm- or cool-water thermal regime (*The London Plan* – Policy 1350);
- 50 m on each side of watercourses with a cold-water thermal regimestreams;; or,
- 100 m on the side(s) of large rivers (Thames River, Medway Creek, Stoney Creek, Dingman Creek) where the patch occurs (City of London, 2011).

The high-water mark is defined as the average **highest** level that a watercourse or waterbody rises to and remains at long enough to alter the riparian vegetation (DFO, 2007; DFO, 2019). In flowing watercourses, this is often referred to as the “active channel” or “bank-full level”, usually reflecting the 1:2 year flood level (DFO, 2007).

**Rationale:**

Watercourses act as important habitat providing wildlife resources and functions as well as contributing substantially to connectivity within and between significant natural areas. Riparian areas adjacent to watercourses are important for protecting the water quality and ecological health of aquatic habitats. First order, headwater streams are recognized as indicators of hydrological processes. These hydrologic processes are important for ecological function and should be protected within NHS (MNRF, 2010b).

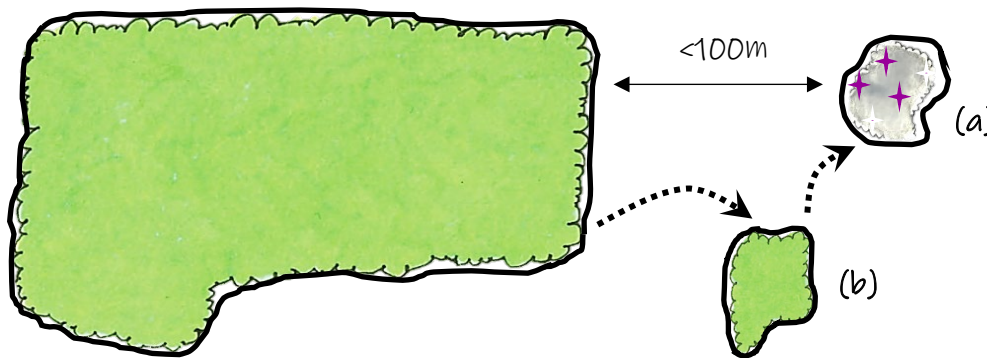


A watercourse is generally defined according to several federal and provincial Acts and Regulations and typically consists of a distinct (somewhat to well-defined) channel in which water naturally flows at some time of the year [i.e., permanent, intermittent, or ephemeral flow as defined by MNR's Stream Permanency Handbook for South-Central Ontario (MNR 2013)]. This includes anthropogenically created / maintained / altered features as well as natural features.



**GUIDELINE 5: Satellite woodlands** that are less than 2 ha and are located within 100 m of another woodland patch:

- a) **must** be included within the boundary if the satellite contains Species at Risk or Significant Wildlife Habitat; and,
- b) **must** be included within the boundary if they contribute to biological diversity and ecological function of the other patch and / or act as stepping stone linkages within the greater landscape



**Figure 4.6: Guideline 5 Illustration**

**Conditions:**

Contribution to biological diversity, ecological function, and connectivity may include, but is not limited to the following (MNRF 2010b):

- the satellite supports native tree cover;
- the satellite is located adjacent to or contains a wetland;
- the satellite is located between two (2) larger patches that are within 250 metres of each other, where the land between the patches is absent of permanent barrier;
- the satellite meets the habitat needs of one or more species that are not met by the larger patch;
- the satellite contains a natural vegetation community type that is not already represented in the larger patch;

- the satellite supports or is dependent upon a surface- or ground-water connection that maintains fish or aquatic habitat in either patch; and,
- the satellite provides a temporary refuge that facilitates movement between habitats.

**Rationale:**

There is limited evidence to support the principle that large contiguous patches contain more biodiversity than multiple small patches of the same total area (Fahrig, 2019). Woodlands  $\geq 4$  ha are important in Middlesex County, and have the potential to support habitat for disturbance sensitive species (UTRCA, 2014; MNRF, 2010b). Smaller woodlands have the potential to deliver multiple ecological services at higher performance levels per unit area than larger woodlands in agricultural landscapes (Valdés *et al.*, 2020). Further, multiple small, connected patches can support higher species richness, are more likely to contain wide-ranging taxa (e.g. predators), and have fewer extinctions compared to single large patches (Hammill & Clements 2020).

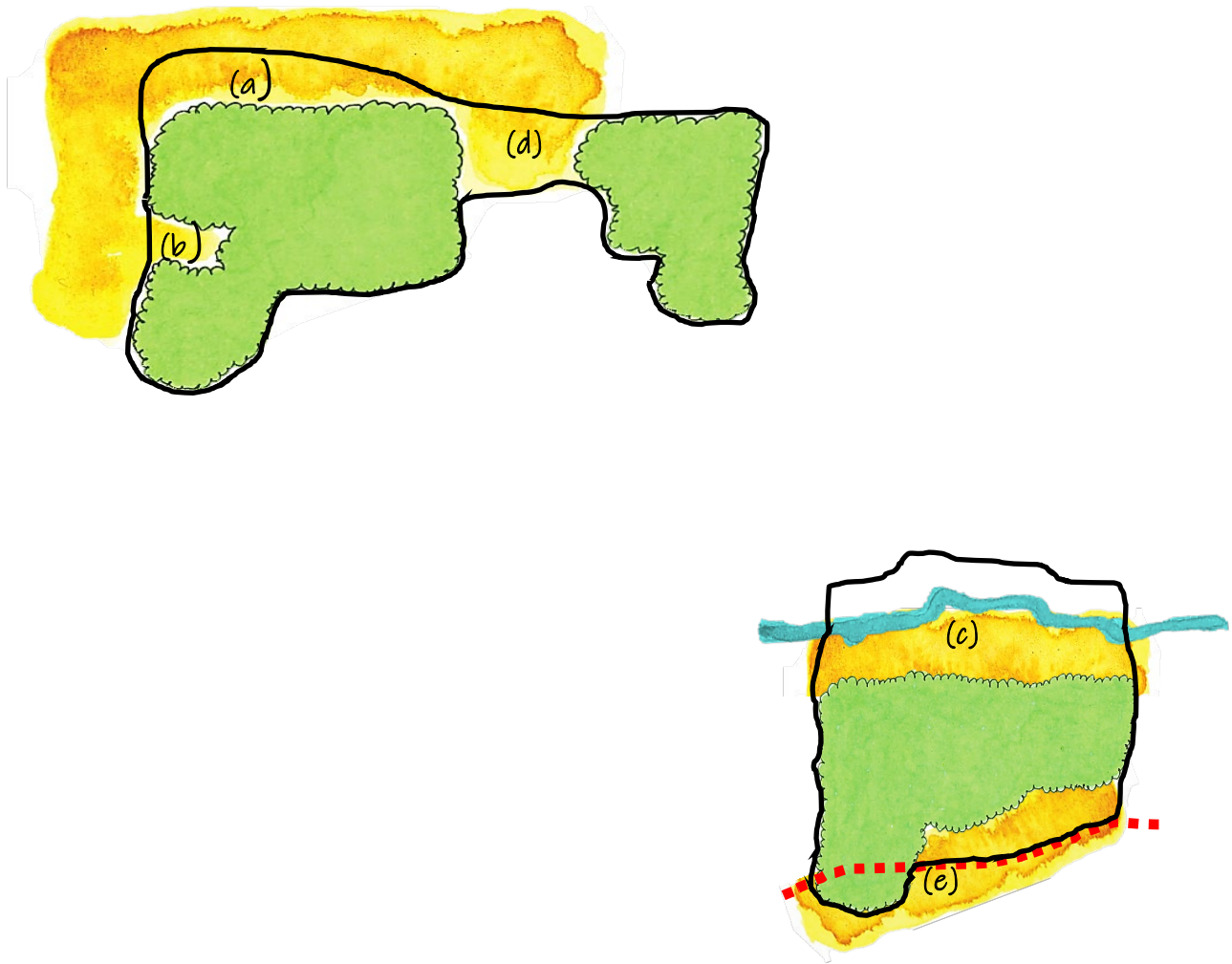
The presence of native conifer cover is considered important for providing wildlife shelter. Further, the importance of a woodland increases if it is located adjacent to a wetland or it contains a wetland, as wetlands can increase vegetation diversity, provide important wildlife habitat features, and contribute to hydrological functions (Hilditch, 1993; Riley and Mohr, 1994).

Small woodlands that are in close proximity to one another or interspersed amongst larger habitat patches, may have value for area-sensitive birds and species with low mobility (Riley & Mohr 1994). Further, small woodlands located between natural heritage features or areas can act as stepping stones for movement of species, thus functioning as a linkage (MNRF, 2010b)

Clusters of patches that collectively meet several of the habitat needs of one or more species are generally more valuable than clusters of patches that meet fewer habitat needs (MNRF, 2010b). Natural areas that consist of several patches containing a diversity of native vegetation community types can sometimes provide better representation of the range of habitats than a single larger habitat patch (MNRF, 2010b; Fahrig, 2020).

**GUIDELINE 6:** Cultural meadows **must** be included if they meet one (1) of the following criteria:

- a) a portion of meadow habitat surrounds a feature on one or more sides, and provides improved ecological function to the patch by its inclusion;
- b) strengthen internal linkages in the patch by filling in "bays";
- c) connect a patch to a watercourse; or
- d) connect two or more patches (inset d of **Figure 4.7**); or,
- e) are below the top-of-stable-slope in a stream corridor or ravine.



**Figure 4.7: Guideline 6 Illustration**

**Condition:**

A cultural habitat meeting any one of the above conditions is included in the vegetation patch boundary. However, it is not intended that the cultural habitat will occupy a large proportion of the total area of the patch being delineated.

**Rationale:**

Cultural habitats may act as significant supporting habitat to the patch, where the loss of such communities would result in loss of ecological integrity of the entire patch boundary. The inclusion of

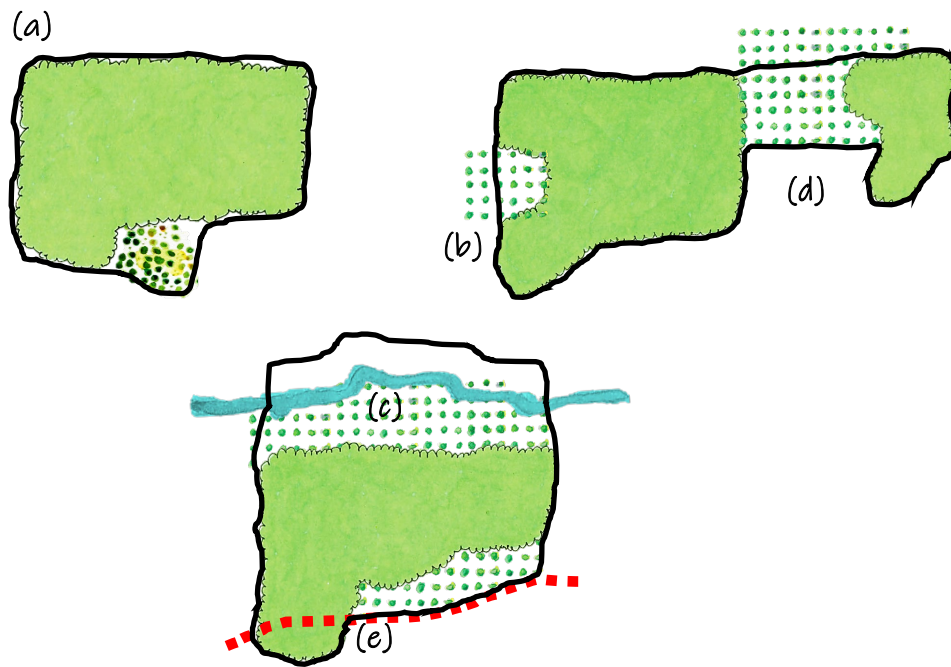
cultural habitats may increase the biological diversity of the area if the other similar cultural habitat is not already present.

Cultural habitats may provide increased community and species diversity, important breeding and foraging wildlife habitat, landscape connections between naturalized areas, habitat for rare flora and fauna, and / or reduce negative effects from surrounding land-use. Cultural habitat adjacent to woodlands also has potential for rehabilitation and may contribute to a net environmental benefit in ecosystem health. Although cultural habitats are not pristine or unaffected by human activity, they have the potential to contribute natural values. This contribution is especially prevalent in agriculturally dominated landscapes, which are common southern Ontario (Geomatics International, 1995; Milne and Bennet, 2007).

Criteria and guidelines for evaluating the ecological significance of cultural habitat areas are provided in the Geomatics (1995) report "Management options for old-field sites in southern Ontario". These criteria address a range of issues including rare and endangered species, wildlife habitat, site productivity, successional stage, soil characteristics, site history and the relationship of a particular site to the surrounding landscape.

**GUIDELINE 7:** Plantations contiguous with patches of natural vegetation **must** be included in the feature boundary if they meet one (1) of the following criteria:

- a) was originally established for the purposes of forest rehabilitation or has been managed towards a natural forest or is developing/has developed characteristics of a natural forest, such as natural regeneration of native species.
- b) strengthens internal linkages or reduces edge to area ratios by filling in bays;
- c) connects a patch to a permanent watercourse;
- d) connects two or more patches; or,
- e) is below the top-of-slope in a stream corridor or ravine.



**Figure 4.8: Guideline 7 Illustration**

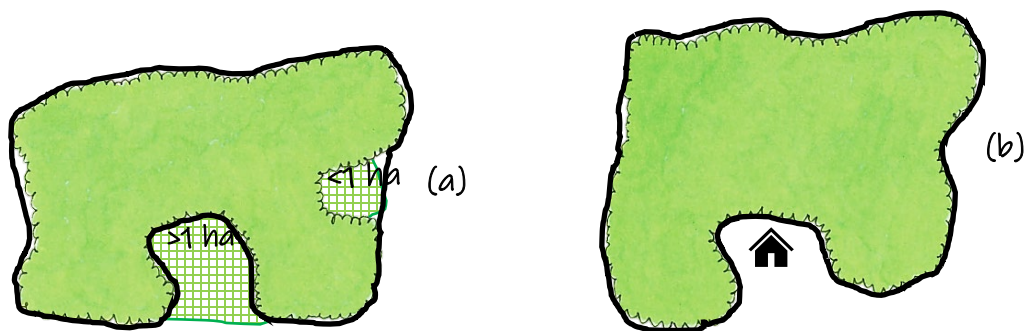
Example of the inclusion of plantations for defining feature boundaries where a) depicts a plantation providing protection for adverse effects, b) depicts a plantation filling in a ‘bay’, c) depicts a plantation connecting a vegetation patch to a watercourse, d) depicts a plantation connecting two (2) patches, and e) depicts a plantation below the top-of-slope of a stream corridor/ravine.

**Rationale:**

Cultural plantation communities may provide significant wildlife or supporting habitat for important wildlife processes (e.g., butterfly stopover areas, raptor nesting areas, etc.; MNRF, 2015a). Plantations form connections between naturalized areas, provide wildlife habitat, stabilize soils, and have the potential for regeneration to natural habitats.

**GUIDELINE 8:** Existing land uses within or adjacent to a patch are subject to the following boundary considerations:

- a) Existing heavily managed or manicured features that are surrounded on at least three sides by a patch are included in the feature boundary if they are less than one hectare (1 ha) in total area (**Figure 4.9**). Such features include, but are not limited to agricultural croplands, active pasture, golf courses, lawns, ornamental tree lots, gardens, nurseries, orchards, and Christmas tree plantations. Subsequent abandonment or potential for rehabilitation of patches larger than one hectare (1 ha) may qualify such areas for inclusion in the patch; and,
- b) Existing residential building envelopes and institutional building envelopes surrounded on at least three sides by a patch are not affected by the protective designation. Building envelopes and access routes of existing structures within the patch must be determined on a site-specific basis.



**Figure 4.9: Guideline 8 Illustration**

**Rationale:**

Existing heavily managed or manicured features (e.g., croplands, pastures, orchards, etc.) can provide a large number of ecological and environmental services. These services include providing wildlife habitat, carbon sequestration and climate change mitigation, protection from erosion, stormwater catchment, and protection from disturbance (Troy and Bagstad, 2009; FAO, 2013).

## Determining Ecological Buffers

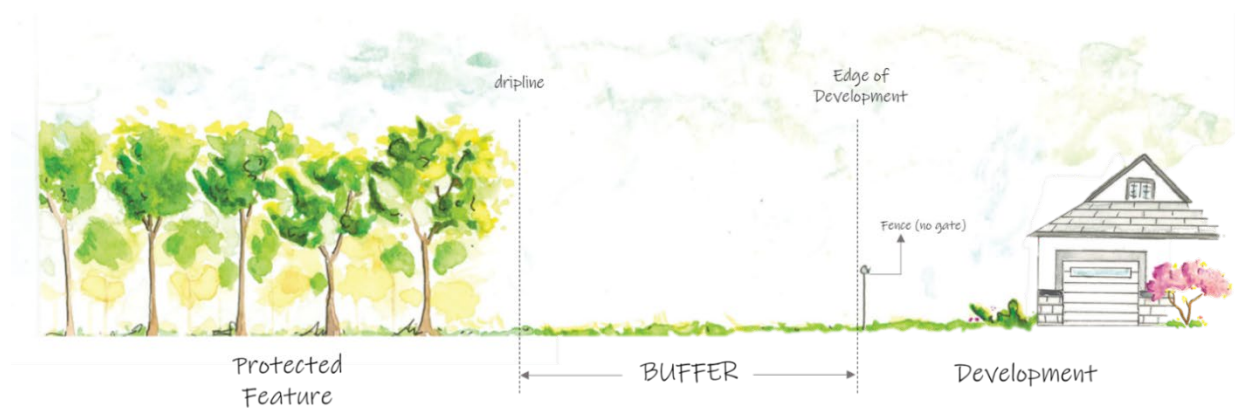
Ecological buffers are one of the primary planning tools that must generally be implemented to help ensure the protection of natural heritage features and their functions in accordance with **The London Plan** (see Environmental Policies 1412\_ to 1416\_). The following section provides guidance for: i) the determination of suitable site-specific buffer widths and ii) the implementation and management of site-specific buffer restoration and / or enhancement treatments.

This section defines a buffer (**Section 5.1**), outlines the approach to be taken in the City related to buffers (**Section 5.2**), and describes the process to be followed for buffer determination (**Section 5.3**) that must be followed in order for an EIS to be accepted by the City of London.

This process is best applied by professional Ecologists who have experience with, and an understanding of, the many interrelationships of the various natural heritage features and areas, and their ecological functions, that may be present and that are potentially affected by a development proposal.

### Definition of a Buffer

Buffers are strips of land kept in a vegetated state that provide a physical separation between development and a protected natural heritage feature (MNRF, 2010b). The width of a buffer is to be determined based on the type of Natural Heritage Feature and its functions as well as the potential impacts resulting from the proposed adjacent development. Buffers originate at the boundary of a Natural Heritage Feature and extend outwards to the limits of development (MNRF, 2010b; Carolinian Canada, 2000). In the case of wetlands, as described in **Section 4**, Critical Function Zones (CFZs) are included in the overall feature boundary. Therefore, for wetlands, the buffer is to originate at the external boundary of the CFZ. Buffers shall not be included within the limits of development, or within the boundary of the feature. Ecological buffers are not intended to contribute to feature-based compensation goals, should they be required. Buffers should not be treated as extensions of the natural feature to allow for management practices should they be required (MNRF, 2010a).



**Figure 5.1:** Illustration of a buffer implemented for the protection of a Natural Heritage Feature adjacent to a development.

Note that a setback is different from a buffer, although in some cases the natural feature buffer and setback may overlap in whole or in part. A natural feature setback is intended to account for physical constraints based on geotechnical assessments, identified hazards (Carolinian Canada, 2000), or other physical constraints such as those related to flooding. For example, a property must be setback a certain



distance from the stable top of slope for safety purposes and property protection. In cases where both physical setbacks and ecological buffers are required, the greater of the two will establish the development limit line.

Adjacent lands are also not synonymous with buffers, although buffers are often contained within the adjacent lands to natural heritage features and areas. As stated in the *Natural Heritage Reference Manual* (MNRF 2010b), “In contrast to adjacent lands, which are usually established before development is proposed (e.g., through official plan and or zoning by-law provisions), identified buffers should be determined once the nature of the development is known and the extent of potential impacts can be determined”.

## Approach

The process of determining a site-specific buffer width requires the consideration of information about the sensitivities and functions of the natural heritage feature and area(s) being considered and the nature and scope of the proposed adjacent land uses. The science of buffer efficacy is ever evolving. Since the science is constantly changing, the process outlined below is intended to allow for flexibility and the inclusion of new scientific information as it becomes available.

In general, the precautionary principle is to be used when it comes to the protection of features, functions, and species given that impacts may be documented decades after a development has been completed and *in situ* buffer efficacy is not yet well studied. However, in certain cases, the City and the Proponent, in consultation with any other applicable agencies, may agree to a buffer width less than that which is required as determined through the process outlined in **Section 5.3**.

Other techniques, including those outlined in **The London Plan** Policy 1415\_, may be required in addition to the application of buffers to limit the impacts anticipated with proposed development.

At the City’s discretion, in consultation with any other applicable agencies, pathways or trails may be permitted within the buffer in accordance with the guidance in **Section 5.4**, and is supported by the recommendations of the approved EIS.

This approach is based on policies and guidance provided in **The London Plan** and the provincial *Natural Heritage Reference Manual* (MNRF, 2010b), with consideration for the policies of the Oak Ridges Moraine Conservation Plan (MMAH, 2017b) and Greenbelt Plan (MMAH, 2017a).

## Buffer Determination Process

**Table 5-1** below outlines the general step-by-step process to determine a site-specific buffer width for the protection of Natural Heritage Feature(s) within the City of London. Although ultimate buffer widths can only be confirmed at the site-specific EIS stage, where possible, preliminary buffers should be identified at the broader Subwatershed Study or Secondary Plan stage to provide an early and realistic determination of lands that may be suitable for development and so that opportunities for mitigation using buffers is available during the design of draft plans (MNRF, 2010b).

The following process has been developed primarily for application at the site-specific stage through an EIS, but many of the same steps and considerations could be applied at the broader Subwatershed Study or Secondary Plan stage with the understanding that refinements would need to be considered in the context of the EIS once the details of the proposed development are known.

## Step 1 – Determine feature to be protected, delineate boundaries and determine potential impacts

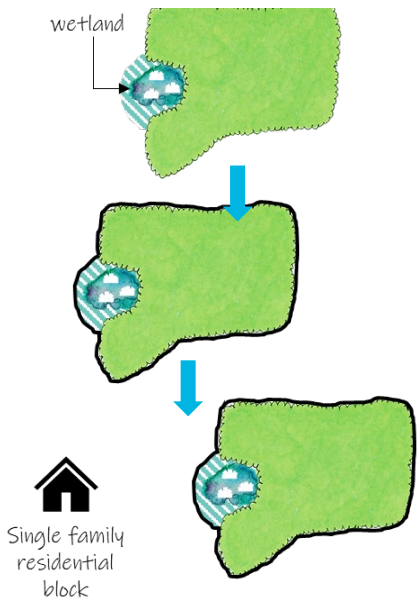
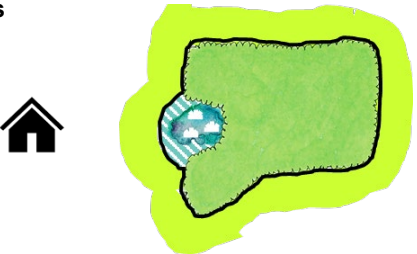
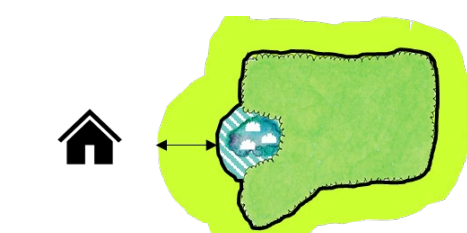
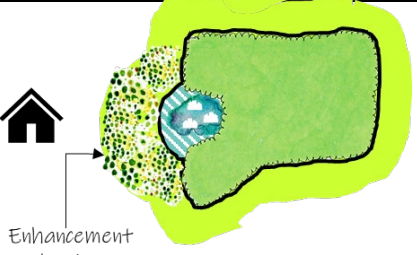
### *What is being protected and what are their boundaries?*

Gaining an understanding of the protected Natural Heritage Feature(s) and its function(s) is the first step in the overall process of determining a site-specific buffer width. It is the responsibility of the professional undertaking the buffer width determination to complete a comprehensive background review and the appropriate field studies such that the various habitats, and the species that occupy those habitats, are well understood.

It should be noted that multi-disciplinary investigations may be required to understand the features, their functions and the interactions with different components of the environment. These may include, but are not limited to, ecological surveys (vegetation surveys, wetland evaluations, breeding bird surveys, amphibian call surveys, reptile surveys, bat habitat surveys, SWH surveys, etc.), hydrological studies, hydrogeological studies, geotechnical investigations, etc.

Direction related to boundary delineation and evaluation of the natural heritage features and areas that are part of the City's NHS is provided in ***The London Plan*** Environmental Policies and the supporting guidance as described in **Sections 3** and **4** of these EMGs.

**Table 5-1: Site-specific Buffer Width Determination Process**

<p><b>Step 1: Determine the feature to be protected, delineate feature boundaries and determine the potential impacts</b></p> <p>a) Collect the necessary information from the EIS and other associated studies to gain an understanding of the Natural Heritage Feature(s) and function(s) that are to be protected,</p> <p>b) delineate feature(s) boundaries, and</p> <p>c) determine the potential impacts of the proposed site alteration or development..</p>	 <p>wetland</p> <p>Single family residential block</p>	<p><b>Example:</b> Studies determined the presence of a Significant Woodland with corresponding wetland (including Critical Function Zone) per <b>Section 2</b> and <b>3</b>.</p> <p>Boundaries defined per <b>Section 4</b>.</p> <p>Proposed development is a single family residential subdivision consisting of twenty lots located on the west side of the feature.</p>
<p><b>Step 2: Apply the Minimum Buffer Widths</b></p> <p>Apply the minimum widths for the type(s) of natural heritage features that are being protected. Identified minimum buffer widths are to start at the delineated boundary of the natural heritage feature.</p>		<p>Minimum buffer widths applied per <b>Table 5.2</b>.</p>
<p><b>Step 3: Determination of Site-specific Buffer Widths</b></p> <p>Determine if a greater than minimum buffer width is required for the protection of the identified Natural Heritage Feature(s) and functions. Greater than minimum buffer widths are to start at the same point as Step 2, the delineated boundary of the Natural Heritage Feature(s).</p>		<p>Wetland found to support Species at Risk habitat, buffer width increased in the wetland area per <b>Table 5.3</b>.</p>
<p><b>Step 4: Buffer Enhancement</b></p> <p>Site-specific enhancement within the buffer area; the objective being to enhance the functioning of the buffer and to minimize overall potential negative effects to the protected feature(s) and functions.</p>	 <p>Enhancement plantings</p>	<p>Enhancement plantings per <b>Section 5.4</b> applied in area of Natural Feature that is most sensitive.</p>

### *What are the potential development-derived Impacts?*

Understanding the proposed development and the elements that may affect a Natural Heritage Feature(s) and its function(s) is the responsibility of the professional undertaking the Buffer Determination Process. Buffer width(s) should be based on the functions and sensitivities of the feature(s) and the type(s) and scope of development adjacent to a Natural Heritage Feature and the potential development-derived effects that can reasonably be anticipated. For example, studies have demonstrated significant impacts to forests with adjacent residential development including those associated with off-trail use leading to compaction and erosion of soils, changes to hydrological regimes, loss and damage to vegetation, reductions in the regeneration success of trees and the spread of exotic plants and animals (McWilliams *et al.*, 2012).

When determining the potential effects of a proposed development, refer to **Section 2**.

### **Step 2 – Apply Minimum Buffer Widths**

The ultimate width of the buffer will depend on the local conditions and sensitivities of the protected feature, the anticipated impacts associated with the change in adjacent land use, and the impacts that a buffer can, and cannot, reasonably be expected to mitigate (Beacon, 2012). As determined through a review of current policies and literature, **Table 5-2** outlines the required minimum buffer widths that are considered necessary to maintain the natural, physical and chemical characteristics of natural heritage features (MNRF, 2010b). Depending on the sensitivities of the natural heritage features(s) being considered and the type of development, these required minimum widths may not provide sufficient protection. Therefore, additional buffer width may be necessary to maintain the various biological components of natural heritage features (MNRF, 2010b), as outlined in **Section 5.3.3**.

Minimum buffers for the Habitat of Endangered and Threatened Species, as well as Significant Wildlife Habitat, will vary on a case-by-case basis as the minimum width will depend on a range of factors including the species identified and their lifecycle processes. Buffers should be determined on a case-by-case basis with consideration for the applicable provincial guidance and, in the case of Endangered and Threatened Species, in consultation with the the Province.

**Table 5-2: Required Minimum Buffer Widths<sup>1</sup> for Protected Natural Heritage Components**

Natural Heritage Component	Required Minimum Width <sup>2</sup>
Coldwater and Cool-water Fish Habitat	30 metres <sup>3</sup>
Warm-water Fish Habitat	15 metres <sup>3</sup>
Provincially Significant Wetlands (PSW)	30 metres
Wetlands	30 metres <sup>4</sup>
Significant Woodlands	30 metres <sup>4</sup>
Woodlands	10 metres <sup>4</sup>
Significant Valleylands and Valleylands	Required minimum for the component of the NHS
Environmentally Significant Areas (ESAs)	Required minimum for the component of the NHS
Upland Corridors and Meadows	5 metres

<sup>1</sup> The relevant science and applied technical literature used to support the identified minimums are cited throughout **Section 5**.

<sup>2</sup> Buffers are to be measured from the feature boundary, as outlined in **Section 4**.

<sup>3</sup> Buffers are required on both sides of the watercourse.

<sup>4</sup>The City may accept a buffer less than the required minimums for Wetlands less than 0.5 ha, Significant Woodlands less than 2 ha, and Woodlands where it is supported through an Environmental Impact Study that is accepted by the City in consultation with the other applicable agencies where appropriate.

### **Why do “Woodlands” have smaller minimum buffers than “Significant Woodlands” in the City of London?**

The City of London is unique from most other municipalities in that in addition to having policies that protect all natural wooded areas considered significant from a natural heritage perspective, it also has policies to support the protection and integration of other wooded areas recognizing the contributions such features can make in helping the City build resilience to climate change.

- Significant Woodlands are identified using a comprehensive suite of criteria focused on their ecological and natural heritage functions, and are protected in accordance with the policies **The London Plan** as described in Policy 1341\_ and **Section 3.1** of these EMGs.
- “Woodlands”, as per **The London Plan** are described as:
  - “Smaller woodlands [that] may not meet the test for significance, but may be retained for their aesthetics and as a recreational amenity are highly connected to more dense portions of as part of a park” (Policy 418\_).
  - “Woodlands that are not determined to be ecologically significant but are to be retained for public open space or park purposes, or woodlands to be retained at the property owner’s request as a private woodland” (Policy 1343\_).

These Woodland policies are intended to support the protection of wooded areas that are not considered significant from a natural heritage perspective but still provide environmental and social value to the community, and therefore are protected as opportunities arise through the planning process. As a

consequence of this unique approach, Woodlands do not warrant the same level of protection with buffers as Significant Woodlands.

### Step 3 – Determination of Site-Specific Buffer Widths

Minimum buffers as outlined in **Section 5.3.2** should generally be sufficient for the protection of identified natural heritage features and their associated functions. However, an EIS may recommend a buffer width less than the minimum in accordance with **Table 5-2** or greater than the minimums in **Table 5-2** based on the size of the feature, the sensitivity of the feature and the nature of the proposed adjacent development.

The buffers required for NHS components do not supercede or in any way supplant the need for other applicable setbacks related to natural hazards in accordance with the applicable provincial and Conservation Authority policies and regulations. In cases where buffers and natural hazard setbacks overlap, the more restrictive requirement shall apply to inform the development limit.

Some key site factors drawn from the current and applicable literature that should be considered in relation to potential increases from the required minimums are provided below, with some supplemental criteria and sources provided for consideration in **Table 5-3**.

- Site-specific drainage patterns and flows, with sheet flows towards a feature more readily intercepted / slowed by a vegetated buffer than channelled flows (e.g., Castelle and Johnson 2000; Sheldon *et al.*, 2005 as cited in Beacon 2012), with this factor being closely related to slope and soil type;
- Slope, with vegetated buffer effectiveness generally being reduced with increasing slope, particularly in excess of 15% (e.g., Schueler 1987, Norman 1998 as cited in Beacon 2012); and
- Soil type and related infiltration capacity, with soils with better drainage and more organic matter providing more effective infiltration.

Other factors that can help improve buffer effectiveness and mitigate the need for potential increases from the required minimums are provided below.

- Vegetative composition of buffers, with well-vegetated buffers that mimic the composition of the feature being protected expected to be the most effective (Beacon 2012); and,
- The presence of design features – such as a continuous fence, formal trails along the feature edge with some barriers, bioswales, berms – that effectively prevent encroachments into the protected feature (e.g., McWilliam *et al.*, 2011 as cited in Beacon 2012, Beacon 2014).

As the impacts of adjacent development become better understood and more research is conducted on the ecology of various features, buffer requirements may change. Therefore, current literature may also be consulted to review the impacts relevant to the feature under consideration (MNRF, 2010b). Ideal sources include studies designed to determine the impacts of an anthropogenic activity on biological systems, and comprehensive reviews or meta-analyses related to natural resource management. Such studies can be located in peer-reviewed academic journals, statements and reports from reputable experts and / or expert bodies , standard textbooks or handbooks and reference guides. City of London Ecologist Planners may recommend appropriate sources.

**Table 5-3: Criteria for the Determination of Variation from Required Minimum Buffer Widths**

Criteria	Rationale	Literature
<b>Specialized Features and Functions</b>		
<b>Presence of Significant Wildlife Habitat</b>	Greater than minimum buffer width may be required when Significant Wildlife Habitat in accordance with criteria schedules for Ecoregion 7e are present (MNRF, 2015a).	MNRF, 2015a; Environment Canada, 2013; MNRF, 2010b
<p>The presence of Significant Wildlife Habitat (SWH) indicates specific conditions that are enabling that type of habitat to be present and therefore, a higher degree of protection may be required. Consultation with the City of London is required.</p> <p>Buffers for the protection of SWH should be based on evidence and include reference to:</p> <ul style="list-style-type: none"> <li>• Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E (MNRF, 2015a)</li> <li>• COSEWIC Reports where applicable</li> <li>• COSSARO Reports where applicable</li> <li>• Environment Canada’s <i>How much Habitat is Enough?</i> (Environment Canada, 2013)</li> <li>• Significant Wildlife Habitat Mitigation Support Tool (MNRF, 2014b)</li> <li>• Academic journal articles, where available</li> </ul>		
<b>Presence of Species at Risk</b>	Greater than minimum buffer width may be required when species considered Endangered or Threatened per the <i>Endangered Species Act</i> are present.	Environment Canada, 2013; various COSEWIC and COSSARO reports; MNRF, 2010b
<p>The presence of an Endangered or Threatened species indicates specific conditions that are enabling that species to survive and therefore, a higher degree of protection may be required. If it is determined that a SAR is negatively affected by a proposed development, a permit under the <i>Endangered Species Act</i> may be required. In the case of any SAR, consultation with both the City of London as well as the Province is required.</p> <p>Buffers for the protection of Endangered and Threatened species must be based on evidence and include reference to:</p> <ul style="list-style-type: none"> <li>• Ontario government’s SAR database</li> <li>• COSEWIC Reports</li> <li>• COSSARO Reports</li> <li>• Environment Canada’s “How much Habitat is Enough?”</li> <li>• Various independent academic journal articles</li> </ul> <p>Note that any habitat or species information for Endangered and Threatened species is sensitive information and should not be identified in public documents (MNRF, 2010b).</p>		
<b>Slope</b>		
<b>Slope/Overland Flow</b>	Greater than minimum buffer width should be considered where the overall feature slope is greater than 5%, particularly when the slope is towards a protected wetland or watercourse.	Adamus 2007; Beacon 2012; Mitchell & Crook, 1996

Criteria	Rationale	Literature								
<p>Understanding the slope and direction of flow aids in predicting areas that may receive more water than others, help determine appropriate buffer plantings, as well as pre-construction conditions that need to remain the same post-construction. (Slope may be measured using a geo-referencing tool or handheld clinometer or desktop analyses using current topographical information).</p> <p>The following are recommended buffer widths starting at the edge of a natural heritage feature where slope is:</p> <table border="0"> <tr> <td>5-15%</td> <td>30 m buffer</td> </tr> <tr> <td>16-30%</td> <td>50 m buffer</td> </tr> <tr> <td>31-45%</td> <td>70 m buffer</td> </tr> <tr> <td>&gt;45%</td> <td>90 m buffer</td> </tr> </table>			5-15%	30 m buffer	16-30%	50 m buffer	31-45%	70 m buffer	>45%	90 m buffer
5-15%	30 m buffer									
16-30%	50 m buffer									
31-45%	70 m buffer									
>45%	90 m buffer									
Development Conditions										
<b>Development Type</b>	Greater than minimum buffer width may be required as addressed and identified by the EIS based on specific development conditions (e.g., stressors).	McWilliam et al., 2012; Sawatzky and Fahrig, 2019; Environment Canada, 2013								
<p>Encroachment into natural features is a common impact associated with residential development. Buffers provide some area for minor encroachment without affecting actual features (MNR, 2010a). Stressors such as human disturbance (e.g., landscaping, dumping, urban wildlife, noise) shall be considered when establishing buffer width.</p>										

#### Step 4 - Buffer Restoration and Enhancement

Once a site-specific buffer width is determined following Steps 1 through 3 as outlined in **Sections 5.3.1, 5.3.2 and 5.3.3**, the required buffer restoration and enhancement measures can be defined based on the characteristics of the adjacent natural heritage feature(s).

##### *Buffer Enhancement Strategy*

In most cases, the land set aside for the site-specific buffer will be comprised of farmed agricultural lands, mown grass or abandoned land with ruderal vegetation. In some redevelopment scenarios it may be open gravel or paved. It is the responsibility of the professional undertaking the buffer determination process to document and understand the edge conditions of an identified Natural Heritage Feature, including what is present within the adjacent lands so that appropriate enhancement strategies can be developed and implemented.

The intent of the strategy should be to reduce edge effects, improve buffer functions (e.g., through restoration or enhancement of site-appropriate native vegetation), and enhance habitat connectivity to build resilience of the Natural Heritage Feature(s) being protected.

When determining a buffer enhancement strategy, the following should be considered:

- Allocate a greater proportion of buffer enhancements in areas that reduce the total edge: area ratio of the feature (i.e., bays and projections);
- Allocate a greater proportion of buffer enhancements to areas which minimize climatic, structural or anticipated impact gradients (e.g., consider the orientation of the patch to flows in the landscape such as prevailing winds and sources of disturbance and encroachment such as urban cats, wind-dispersed seeds, noise, light and chemical pollution); and
- Allocate a greater proportion of buffer enhancements proximal to areas that contain sensitive feature(s) and functions.



**Table 5-4** outlines buffer enhancement measures that shall be implemented to reduce of negative edge effects, protect features and their ecological functions, and improve habitat quality.

**Table 5-4: Potential Buffer Enhancement Measures**

Buffer Enhancement Measure
<p><b>Native Plantings</b></p> <p>Plantings of native tree, shrub, seed mixes and individual herbaceous species within a site-specific buffer width increases the structural gradient and reduces exposure to light, moisture and wind conditions. Natural heritage features with a dense multi-layered edge structure are more likely to maintain interior conditions after experiencing anthropogenic disturbance (Fry and Sarlöv-Herlin, 1997; Powney et al., 2012). Further, the physical separation of development from a natural feature reduces the penetration of light and noise into the natural feature. This will be further reduced if the buffer supports dense vegetation (MNRF, 2010b).</p> <p>Increasing the structural gradient means having vegetation at various heights in various areas. This is especially important for treed natural heritage features with simple, open edges as well as features that are smaller in size with low connectivity. A multi-layered approach with respect to native plantings increases habitat suitability for resident species as well as landscape connectivity (Fry and Sarlöv-Herlin, 1997).</p> <p>Vegetated buffers slow down surface runoff and absorb nutrients and chemicals used for lawn care, agriculture and road maintenance, thus reducing impacts on natural features. If runoff is not controlled, impacts can include soil erosion/sedimentation, destruction of vegetation, and flushing of nests or eggs of amphibians and waterfowl. This is particularly important to adjacent wetlands and aquatic features where nutrients can enrich the system and lead to an abundance of nuisance weeds and / or algae (MNRF, 2010b).</p> <p>Recommended native plantings should:</p> <ul style="list-style-type: none"> <li>• enhance diversity with consideration for species shifts resulting from warming temperatures due to climate change;</li> <li>• enhance diversity with consideration for existing and future pest impacts to tree/ shrub species;</li> <li>• add complexity to both horizontal and vertical structure;</li> <li>• consider mosaics of different trees and shrub species;</li> <li>• consider light and noise impacts by creating a physical barrier;</li> <li>• use native pollinator friendly seed mixes to promote the establishment of pollinator and foraging habitat; and</li> <li>• select species appropriate to the species composition of the natural heritage feature(s) being protected as well as the local soil composition and structure.</li> </ul>
<p><b>Management of Invasive Plants</b></p> <p>Removal of invasive plants within the buffer area and within 10m of the edge of the identified Natural Heritage Feature will improve overall species diversity. Priority species that must be removed include: common buckthorn, glossy buckthorn, common reed (Phragmites), Japanese knotweed, dog strangling vine, and giant hogweed (City of London, 2017). Those on the watch list should also be removed in accordance with the City of London Invasive Plant Management Strategy.</p> <p>Where appropriate, targeted invasive species management and restoration extending into the feature itself should also be considered.</p>
<p><b>Other Structural Enhancements</b></p>

## Buffer Enhancement Measure

Creation and installation of site and feature-appropriate habitat enhancements such as: addition of woody debris piles, pits and mounds, bird and bat structures, reptile nesting areas and hibernacula. Note that dead wood is important habitat and food resources for many birds, insects and lower plant species where woody biomass should be retained.

### Permitted Uses within a Buffer

Buffers are to be zoned to generally be kept in a predominantly naturalized state with no permanent structures or development. However, **The London Plan** does support the inclusion of both pathways and trails in the NHS, including in buffers adjacent to NHS features and areas, as long as they support the protection of the natural features and their functions, and also broadly supports the incorporation of low impact development measures and green infrastructure.

*1389\_ The following uses may be permitted in the Green Space Place Type: ... 2. Recreational uses associated with the passive enjoyment of natural features including pathways and trails provided that such uses are designed, constructed and managed to protect the natural heritage features and their ecological functions.*

*475\_ Promote innovation by encouraging green infrastructure, stormwater attenuation, re-use, and low-impact development.*

In the City of London, “pathways” typically refers to paved multi-use paths intended to support community health, mobility, connectivity and the active transportation network. These pathways consist of a maximum of 3 m of paved width with 0.5 m to 1.0 m of mown grass for clearance on either side, for a maximum total width of 5 m. “Trails” in the City of London refers to a range of unpaved but still formal connections intended to support passive activities such as hiking and nature enjoyment. Trails range in widths but are typically narrower than pathways and surfaced with different materials such as crushed limestone or woodchips, and may incorporate sections of raised boardwalk or other structural works where needed to help protect sensitive ecological areas.

From a natural heritage planning perspective, formal pathways and trails in buffers to natural features can be considered to be tools to help manage access to public open spaces appropriately (e.g., It is acknowledged that pathways and trails can be vectors for negative impacts (e.g., human disturbance near the feature, increasing opportunities for encroachment into the feature, inadvertent spread of invasive species) (e.g., Thompson 2015). However, there are many gaps in the science (e.g., Ballantyne and Pickering 2015) and the applied literature from urban areas (e.g., City of Toronto, 2013; TRCA 2019; IVUMC 2019) in increasingly recognizing that having formal trails and pathways that are carefully planned and designed can go a long way to balancing access and feature protection by:

- Providing access along and outside of the feature boundaries, thereby taking some of the pressure off of potential trails within the feature, and
- Where located in the interface between rear lots and buffers to features, providing a “clean break” and some intervening public space that is manicured before the naturalized portion of the buffer begins, thereby limiting the temptation of adjacent landowners to encroach (e.g., through dumping yard waste, extending their back yard by mowing, installing a tree fort or shed, etc.).

In addition, low-impact development measures are encouraged through several policies in **The London Plan** to support onsite stormwater management (e.g., water attenuation and quality control) and site

drainage. Although not formalized in policy or green development standards, the City's current practice is to allow low impact development measures within buffers that do not require regular maintenance or have engineered components to them, and that contribute to maintaining the feature-based or site-specific water balance. Permitted LID measures would not require regular disruptive maintenance or include control structures (e.g., orifice controls, catchbasins). As such, vegetated swales and culverts may be accommodated within buffers.

It is with these directions in mind that the City is generally of the position that pathways, trails and "passive" low-impact development may be incorporated into ecological buffers, provided they are:

- designed, constructed and managed to support the natural heritage features and their ecological functions
- typically located in the outer half of the buffer (i.e., further away from the feature rather than closer)
- typically limited to a maximum of one third of the total buffer width (e.g., occupying no more than 5 m of a 15 m buffer) with the remaining buffer being naturalized, and
- are proposed within buffers that meet or exceed the minimums established in **Table 5-2**.

Pathways, trails and / or passive low impact development measures may only be permitted where they are demonstrated to meet all the criteria above in an environmental study at the City's discretion, and in consultation with the appropriate agencies, where their regulated areas overlap with the features and buffers in question.

Notably, buffers are not to count towards feature-based compensation measures that may be required. In addition, amenities such as gazebos and other installations that could result in disturbance to and / or permanent encroachments into the naturalized portions of the buffer are not permitted in buffers.

## Ecological Replacement and Compensation

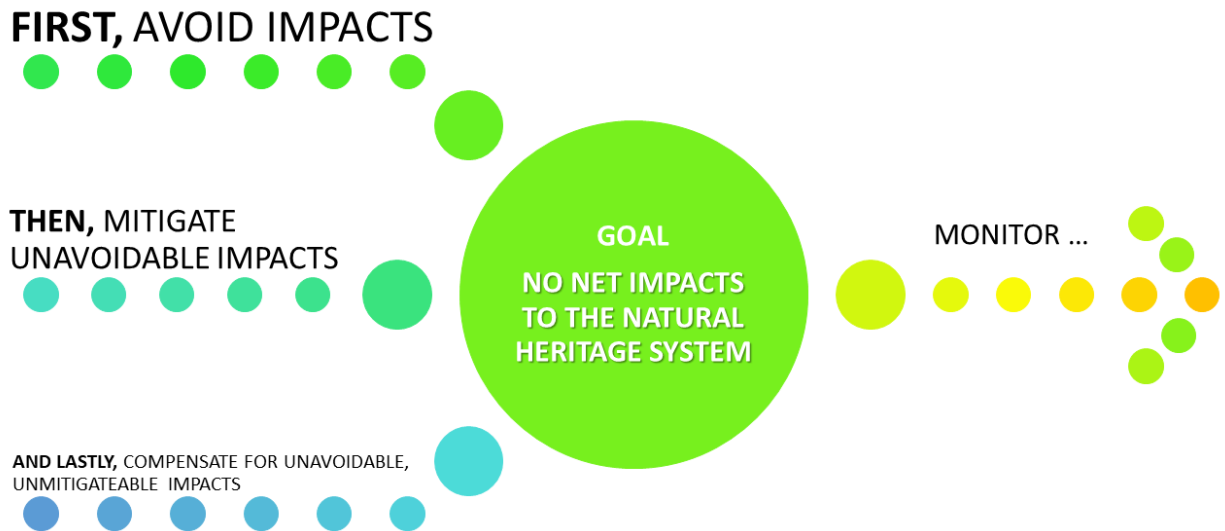
The City of London, like many urbanizing jurisdictions in southern Ontario, is expected to accommodate a certain amount of growth over the coming decades and beyond. While this presents opportunities for the City, it also means ever increasing pressures on the remaining natural heritage features and areas within its urban boundary.

**The London Plan** includes policies intended to help ensure what is significant and valued in London from a natural heritage perspective is sustained for the long term. The bulk of the Environmental Policies in **The London Plan** requires the outright protection of natural heritage features and areas confirmed as components of the NHS (as per **Section 3** and **Section 4**), including buffers as appropriate (as per **Section 5**) are intended to be protected in accordance with the legislative (*Planning Act*) and supporting policy (i.e., *Provincial Policy Statement* and **The London Plan**) tests. However, there are some limited cases and contexts in which removal of part, or all, of a natural heritage feature or area may be contemplated through the planning process. In these cases, replacement and / or compensation for that feature and / or area is required in the City of London with the intent of achieving no net loss or, preferably, a net environmental benefit in natural heritage area and / or ecological functions (as per **Section 2.6**). This section of the guidelines is provided to facilitate the implementation of such requirements, where applicable.

Negative impacts to natural heritage features and areas identified for protection can generally be avoided, minimized, and mitigated at the site specific scale with adequate technical knowledge, compromise and collaboration applied through the planning process. However, under some circumstances, residual damage to natural heritage features and their functions is unavoidable. After first exhausting all options for avoidance (as illustrated in **Figure 6.1**), followed by minimization and mitigation of impacts, portions of (or entire) natural heritage features may be approved for removal under the condition that ecological compensation take place to ensure that there are “no net negative impacts.”

This section has drawn on the *Guideline for Determining Ecosystem Compensation* developed by Toronto and Region Conservation Authority (TRCA, 2018), as well as other relevant and current technical and scientific sources. Although the EMGs are well established and have been applied in the City since 2007 with this version representing an update, this particular chapter is new and will be updated during the biennial update process, in response to emerging science and / or findings of monitoring applicable to the City of London.

**Figure 6.1:** Illustration of the required approach whereby all options for avoiding and / or mitigating impacts must be explored with the City before compensation can be considered



## Context and Process

This section provides the policy context, the high-level scientific and technical context and the process for developing and implementing an Ecological Replacement and Compensation Plan in the City of London.

### Policy Context

From a natural heritage perspective, the fundamental policy “test” used as a basis for approving – or rejecting – a development proposal in Ontario is what is referred to as the “no negative impacts” test based on the language from the Provincial Policy Statement (MMAH, 2020) which states: “Development and site alteration shall not be permitted in [insert the feature(s) in question] unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions”. This language is carried forward into *The London Plan* for the various components of the NHS (i.e., Significant Woodlands, Significant Valleylands, SWH, Wetlands and Significant ANSIs (Policy 1391\_)), and further defined through these guidelines (as per **Section 2.6**).

Ecological replacement and compensation will be approved on a case by case basis subject to all applicable federal, provincial and municipal policies and in consultation with the local Conservation Authorities and Province in cases where they regulate all or part of the feature in question.

Replacement and compensation of natural heritage feature(s), where permitted by the City, shall be implemented on at least a one-for-one (1:1) land-area basis (as per *The London Plan* Policies 1334, 1342B, 1401 and 1402) and, at a minimum, aim to replace any ecological functions associated with the removed feature. The only exception to these requirements is for small wetlands (i.e., less than 0.5 ha) when less than 1:1 may be considered if the proposed compensation will provide a net gain or net environmental benefit to the NHS (as per *The London Plan* Policies 1334\_1 and 1334\_2).

These guidelines do not supersede and are to be implemented in conjunction with other applicable restoration, rehabilitation and / or replacement compensation policies and regulations including:

- **The London Plan** Management, Restoration and Rehabilitation Priorities Policies (1417 a through j)
- **The London Plan** tree replacement Policies (399\_4, a through e, 401\_13) and
- Overall Benefit Permits issued under the *Endangered Species Act* and / or the *Fisheries Act*.

There may be cases where a portion of the impact to a feature or function is compensated through one mechanism while the remaining impact is compensated through a different mechanism. For example, compensation required through the *Endangered Species Act* may address impacts to one particular species but may not compensate for all of the ecological structures and functions that will be lost. In such cases, determining the additional compensation required can be accomplished through these guidelines and in consultation with the City.

Furthermore, in cases where replacement and compensation has been approved in principle by the City but cannot be fully accommodated on the subject lands, **The London Plan** Management, Restoration and Rehabilitation Priorities Policies 1418 through 1420 may help guide the identification of alternative areas for such works.

### Scientific and Technical Context

Ecological replacement and compensation are approaches that can be adopted to achieve no net loss and net environmental benefit through the creation, restoration and / or enhancement of natural heritage features and functions to compensate for those which will be removed or disturbed elsewhere (Brown *et al.*, 2013; Morrison-Saunders and Pope, 2013). No net loss and net environmental benefit are outcomes of compensation for unavoidable losses of biodiversity and / or habitat which are considered neutral or positive, respectively (Bull and Brownlie, 2017). There has been an important shift in replacement and compensation policies away from focussing on replacement and towards focussing on net environmental benefit to improve the short and long-term outcomes of biodiversity offsetting (Bull and Brownlie, 2017; Maron *et al.*, 2018) and, also, to incorporate something of a safety net for situations where the proposed replacement takes longer than anticipated to function as planned. Thus, the goal of replacement and compensation in City of London is to obtain a net environmental benefit, wherever feasible.

Ecological features and systems are highly complex, and although some of the simpler feature types that occur in London and southern Ontario can be replicated reasonably well, it requires a good technical understanding of the feature's key requirements, applied experience implementing the habitat creation, enhancement or restoration works, and a commitment to post-installation management and monitoring (also see **Section 6.6.2**). Consequently, although most ecological replacement and compensation projects have the objective of no net loss, in reality achieving no net loss of biodiversity and ecological functions can be very challenging (Bekessy *et al.*, 2010; Gibbons *et al.*, 2015; Simmonds *et al.*, 2019). Therefore, area compensation ratios of greater than 1:1 can be necessary to help ensure full replacement of ecological structure and functions (zu Ermgassen *et al.*, 2019).

In addition, replacement and compensation projects require long-term monitoring to assess progress towards no net loss or, preferably net environmental benefit (or net positive effects, as per **Section 2.6.6.7**), and may require additional adaptive management actions to achieve the established ecological objectives.

## Approval Process

### Natural Heritage Features and Areas for Consideration

Through the planning and development process, certain natural features and areas confirmed for inclusion within the City's NHS that are not protected by other provincial or federal regulations may be permitted to be impacted by the planning approval authority (in this case, the City of London), but only in cases where avoidance of negative impacts is not possible and options for mitigation of negative unavoidable impacts are limited or not feasible. In all cases, compensation is to be explored as a last resort, as illustrated in **Figure 6.1**, and will generally only be contemplated if the replacement or compensation is expected to fully replicate the extent and functions of the existing feature, or to provide an enhancement as compared to the existing feature.

As summarized in **Table 2-1**, the City is responsible for confirming the following natural heritage features and areas within its NHS, in consultation with the local Conservaiton Authority where the features are within their regulaterd areas:

- Wetlands (excluding Provincially Significant Wetlands)
- Environmentally Significant Areas
- Significant Woodlands and Woodlands
- Significant Valleylands and Valleylands
- Significant Wildlife Habitat (SWH)
- Environmentally Significant Areas (ESAs), and
- Upland Corridors.

The following guidance is intended to help implement ecological replacement and / or compensation, where the policies permit and where City agrees to consider it, for the above features.

Notably, these guidelines do **not** apply to or provide guidance related to replacement, compensation or rehabilitation of watercourses or Fish Habitat. Natural heritage features that are confirmed by other provincial or federal authorities (i.e., Fish Habitat, Habitat of Endangered Species and Threatened Species, Provincially Significant Wetland and Areas of Natural and Scientific Interest) may also be impacted in accordance with the applicable provincial or federal regulations, in part or in whole. In these cases, compensation or comparable activities may be permitted, with the specifics (not addressed in to be in conformance with the applicable provincial or federal regulations) and in consultation with the applicable regulatory authority.

### Approval Process for Feature Replacement / Compensation

Ecological compensation may be permitted and approved as part of an EIS under the *Planning Act*, or through an EIS or comparable Environmental Study completed in support of the installation or expansion of public infrastructure through the *Environmental Assessment* process. In all cases, ecological compensation for NHS components under the City's jurisdiction will not be approved as the 'default' and will only be considered if unavoidable loss remains once the protection hierarchy has been exhausted (as illustrated in **Figure 6.1**).

Prior to the approval of an application containing proposed ecological replacement and / or compensation, the proponent shall demonstrate the following:

- Compliance with all applicable policies and legislation;

- That the proposed compensation achieves “no negative impacts” as outlined in the *Provincial Policy Statement*;
- That all efforts to avoid, minimize, and mitigate have been taken and why impacts are unavoidable;
- No negative impacts, no net loss, and / or net environmental benefit;
- That the proposed ecological compensation is within the same subwatershed in close proximity to the original feature (preferred), or in an area that will provide a net environmental benefit to the NHS to maximize connectivity and linkages; and,
- That a proposed Ecological Replacement and Compensation Plan is included within or as an Appendix to an EMP (as described in **Section 2.6, 6.3, and 7.2**).

In instances where ecosystem replacement or compensation has been approved in principle by City Staff (and the applicable Conservation Authority where the feature falls within their regulated areas), the proponent must retain a Consulting Ecologist, potentially with one or more experts from other related disciplines (e.g., Landscape Architect, Arborist, Registered Professional Forester, Engineer, Hydrogeologist, Geotechnical Consultant) to develop and oversee the implementation and monitoring of the Replacement and Compensation Plan.

It is strongly recommended that once the City agrees in principle to replacement and compensation, that the proponent develop and get in principle approval of a Concept Plan before moving forward with any detailed plans or designs.

No removals of part or all of a natural heritage feature and / or area may proceed prior to approval of the Replacement and Compensation Plan. This plan shall outline an approach and provide detailed plans that attempt to replicate, to the extent possible and without significant delay or lag time, the same ecosystem structure and associated level of ecosystem functions that are to be lost, in both the private land development process (under the *Planning Act*) and the public infrastructure process (under the *Environmental Assessment Act*) (TRCA, 2018).

### **Ecological Buffers and Feature Replacement / Compensation**

Ecological buffers required for NHS components identified and requiring protection on the subject lands (as per **Section 5**) are not to be counted towards fulfilling any agreed-to replacement or compensation of other NHS features, or parts of features approved for removal.

In addition, replacement and compensation features will require buffers wherever the feature is to be abutting a non-natural land use (e.g. road, parking lot, residential yard, etc.). Buffer widths are to be determined based on the guidance provided in **Section 5** and in consultation with the City. Notably, buffer width determinations are to be based on the NHS component for the replacement (restored) area.

### **Guiding Principles for Ecological Compensation**

The following are objectives of replacement and ecological compensation:

- To restore, replace, and preferably, enhance the ecological structure and function of the affected NHS by achieving no net loss of ecological features or functions, and where possible, achieve a net environmental benefit (i.e., a net gain of ecological features and / or functions);



- To implement compensation within the same subwatershed, and preferably in as close proximity to the original feature as possible;
- To locate replacement and compensation works within or adjacent to the NHS so that system connectivity is maintained and, preferably, enhanced;
- To complete compensation projects promptly so that ecosystem functions are re-established before losses occur, or as soon as possible after;
- To ensure transparency and accountability throughout the process of planning, implementing, monitoring and evaluating the effectiveness of the replacement and / or compensation; and,
- To incorporate adaptive management and climate resiliency into compensation based on the scientific literature and the results of effectiveness monitoring.,

Furthermore, ecological replacement and compensation shall be informed by current knowledge of the City ecosystems, applicable watershed studies, relevant studies by related disciplines (e.g., hydrogeological, hydrological and / or geotechnical) and any applicable Conservation Authority and be carried out in a transparent and timely manner.

### Ecological Replacement and Compensation Plan

The Ecological Replacement and Compensation Plan will be reviewed by City staff and in consultation with applicable agencies where required. The Plan is to be aligned with the principles outlined in **Section 6.3** and include, but may not be limited to, the following:

- Rationale for ecological compensation (i.e., explanation of why residual impacts are unavoidable) and feasibility of the compensation;
- Description of the feature type, ecological structure and function(s) of the natural heritage feature (or portion thereof) to be removed or disturbed, including the size of area proposed for removal;
- Specific ecological objectives for the replacement and compensation, with specific targets where appropriate;
- Rationale for the proposed compensation ratio ( $\geq 1:1$  land-area basis) and the area of proposed compensation;
- Description of the proposed compensation location (refer to **Section 2.6.6.8** and **6.3**);
- Construction schedule (e.g., phasing) and completion timeline;
- A Concept Plan, including the size and location of the replacement / compensation in relation to the NHS;
- Implementation plans and detailed design drawings, including any required grading plans (stamped by a Landscape Architect and / or Engineer), ESC plans to ensure protection of other NHS components, and planting plans;
- Plantings should specify native species appropriate for the site and feature type, with consideration for climate change resiliency (e.g., inclusion of a small proportion of species native to southern Ontario with ranges just south of London);

- Post-installation maintenance requirements, including provisions for supplemental invasive species removal and native plantings where appropriate, particularly for woodland features;
- A monitoring plan specific to the replacement / compensation that evaluates the extent to which the established objectives and targets are being met (refer to **Section 7.2.5.2**); and,
- Potential additional measures (e.g., adaptive management) to be undertaken by the proponent if the replacement / compensation objectives and targets are not being met.

### Determining Appropriate Measures

The ability to successfully re-establish ecological structure and function is, in part, dependent on the type of natural heritage features and the specific type of vegetation community being restored. Some vegetation community types can be readily restored in a relatively short period of time (e.g., meadows), while others take longer (e.g., young woodlands) and still others are very difficult or impossible to replicate with the current knowledge and techniques (e.g., treed swamps, bogs).

For example, the functions of some vegetation community such as cultural meadows and some marshes can be established relatively quickly (e.g., within five years) as they are dominated by perennial grasses and forbs which can reach maturity over the course of a single season and with the right soils and hydrology can support habitats for a range of species within a few years (Solymar, 2005; TRCA, 2018). The functions of other features such as woodlands take much longer to re-establish due to their long developmental periods (McLachlan and Bazely, 2003; MNRF, 2017a). As such, there can be a substantial time-lag between the removal of an established wooded feature and the time required for the compensated area to fully replace the ecological function and services provided by original feature (e.g., 20 to 50 years).

Feature compensation considerations should consider but not be limited to:

- Topography and drainage of the existing and proposed feature;
- Community type (based on ELC);
- Wildlife habitat types and structures to be replicated or added as enhancements;
- Soil type, structure and quality of the existing and proposed feature composition and processes;
- Surface water contributions and hydroperiod; and,
- Groundwater processes and interaction.

### Wetlands

Once the replacement and compensation is approved in principle by the City, for wetlands, the quantification of the physical area of the proposed loss is to be based on the feature delineation using ELC, OWES (as described in **Section 3**) and Critical Function Zones (CFZs) and confirmed with the City and the appropriate Conservation Authority.

### Significant Woodlands and Woodlands

Once the replacement and compensation is approved in principle by the City, for Significant Woodlands, the quantification of the physical area of the proposed loss is to be based on the feature delineation

using ELC, OWES (as described in **Section 3**) and confirmed with the City and appropriate Conservator Authority.

For Woodlands, trees approved for removal through the planning process are to be replaced in accordance with the Forest City Policies in ***the London Plan***.

### Other Features

Where approved in principle by the City, other features within the City's jurisdiction may be considered for replacement compensation on a case by case basis at a minimum of 1:1 land-area basis, or greater as required through an approved EIS.

As with Wetlands and Significant Woodlands / Woodlands, a proposed replacement and compensation concept that is aligned with the policies, principles and guidelines above should be put forward to the City before work goes into developing detailed plans and designs.

Ultimately, an approved Ecological Replacement and Compensation Plan, will guide the site preparation, construction / creation and post-construction maintenance and monitoring of the feature.

### Implementing Replacement and Compensation

It is important to outline a clear implementation plan for each feature to be compensated for to maximize the likelihood of replacement or enhancement of ecological structure, function and services within the City of London's NHS.

### Site Selection

In all cases, provision of on-site compensation is the preferred option as it will be in proximity to where the loss is proposed and avoids the logistical complexities of finding suitable lands elsewhere in the City, preferably within the same subwatershed. However, in some cases where the subject lands cannot accommodate part or all of the replacement or compensation, proponents may explore directing compensation on alternate suitable lands. The details of such an arrangement will need to be confirmed and formalized in consultation with the City, however some additional guidance is provided here.

### Ecological Considerations

Appropriate site selection for ecological replacement and compensation will increase the likelihood of achieving no net loss or, where possible, a net environmental benefit (or net positive effect), specifically when considering landscape-scale conservation goals and improving ecological system connectivity (Koh *et al.*, 2014).

Potential naturalization sites have been identified by the City of London (as outlined in ***The London Plan***) which are generally good candidates for restoration, enhancement, and expansion of the NHS. Some potential naturalization sites are found on Map 5 – Natural Heritage in ***The London Plan***, however not all potential sites are mapped and thus, consultation with the City of London is recommended if other potential areas are identified. Further, not all sites are created equal and consultation with experts (e.g., Ecologists, Hydrogeologists, Engineers, etc.) is typically required to help identify appropriate locations for ecological compensation. Habitat creation and restoration is generally most successful when a project understands and works with the prevailing biophysical conditions on site (e.g., climate / exposure, topography, drainage / hydrology, soils).

The following should be considered in determining the site for ecological replacement and compensation within the City of London:

- Proposed sites must be able to support the size of the compensation, the associated buffer(s), as well as the function and services provided by the feature;
- Proposed sites for compensation of a feature should ideally be outside of the current NHS to ensure no net loss, and preferably net environmental benefit. Securing or purchasing land for compensation that is already identified as part of the NHS would result in a Net Loss to the overall area of the system.
- Compensation should be planned adjacent, or in close proximity, to the NHS to maximize connectivity and linkages. The guidelines outlined in **Section 3** and **4** can help inform site selection (e.g., bay areas, connectivity, ecological function) for compensation.
- The size, shape and structure of the proposed compensation should contribute to the City of London’s goals for the NHS. In general, features that are circular or squarish will be preferred over long narrow extensions.
- Newly restored ecosystems must be buffered and should also be situated to help ensure they are protected from the effects of adjacent land uses.

### **Planning and Mangement Considerations**

Compensation should generally be directed to lands that are already or will be transferred to a public or non-profit agency, or established as a conservation easement to ensure the long-term protection of ecological function and services being compensated.

If proposed sites for replacement, compensation or enhancement are not available within the Urban Growth Boundary, the City of London and any other applicable agencies may in exceptional cases, identify lands that are within the NHS but are in need of restoration or enhancement. However, this shall be the exception to the rule, given that this could result in a Net Loss in the amount of land within the NHS. To ensure no net loss and long term protection of the NHS, lands secured for replacement and compensation should be appropriately zoned and mapped for the NHS component.

### **Replicating Ecosystem Structure and Functions**

Ecosystems are complex and dynamic systems. Regardless of the approach to determining the level of compensation required, attempts to replace lost ecosystem structure and functions will fall short in many instances, at least in the short term. Understanding this limitation, the Guideline establishes an approach that attempts to replicate, to the extent possible and without significant delay or time-lag, the same ecosystem structure, and associated level of ecosystem functions that are to be lost.

To ensure that ecosystem structure and function is replaced, or preferably improved, consultation on the compensation plan and design must be undertaken with the City of London and any other applicable agencies. For robust examples of compensation project design and estimated costs, refer to **Guideline for Determining Ecosystem Compensation, Appendix A** (TRCA, 2018). Construction activities related to the implementation of compensation projects should refer to **Section B – Part 5 – Tree Planting and Protection Guidelines (TPP)** and **Part 6 – Parks and Open Spaces** in the City of London’s **Standard Contract Documents for Municipal Construction** (City of London, 2020).

In exceptional cases, when a feature approved for removal cannot be compensated for on-site and another parcel of land cannot be identified and secured off-site, at the City’s discretion, proponents may provide funds to the City in lieu of undertaking the compensation project themselves. The amount of

funds will be based on the cost to restore the impacted ecosystem's structure and the cost of replacing its land base.

### Plant Selection

Plant selection is critical in attempting to compensate for a loss of natural features. Thus, the rationale for plant selection, with consideration for the feature being replaced and the associated ecological functions and services, must be included in the Ecological Replacement and Compensation Plan.

Plant selection will require a case-by-case assessment and consultation with the City of London and other applicable agencies. Native species diversification must be considered with respect to climate change resilience, known and emerging pest impacts and overall longevity of ecological function.

CanPlant (Dougan and Associates, 2020) is a recommended resource that can be referenced to ensure plants selected meet the environmental conditions of the proposed site. Species selection considerations may include, but are not limited to: vegetation type (e.g., woody, herbaceous), species native to the Mixedwood Plains ecozone (preferably Ecoregion 7E), light and moisture requirements, soil requirements, tolerances (e.g., pH, drought, etc.), and natural habitat type.

### Tracking Compensation

Ecological replacement and compensation monitoring is needed to determine whether compensation has achieved no net loss (of area and ecological functions) or net environmental benefit (i.e., enhancements as compared to original conditions) of the replicated feature and ecological function(s). For example, if a wetland has a core function of providing amphibian breeding habitat for at least two species, monitoring should assess amphibian breeding in the replicated / compensated feature to ensure no net loss (i.e., at least two species of amphibians still breeding), or net environmental benefit (more than two species of amphibians still breeding).

Further guidance related to monitoring requirements are outlined in **Section 7.2**. The results of monitoring must be provided to the City of London as outlined in **Section 7.2**, to allow for the implementation of adaptive management, and for any necessary adjustments to compensation strategies moving forward.

# Environmental Monitoring

## Policy and Context

A monitoring plan is one of the requirements of an Environmental Management Plan for any EIS developed for the City of London (as outlined in **The London Plan Policy 1436\_4**) as part of the approval process for development or infrastructure projects adjacent to any components of the Natural Heritage System. The monitoring plan and subsequent implementation, is critical to tracking any loss of natural heritage features or their associated functions over time (MNRF, 2010b), and to providing a basis for adaptive management or mitigative measures in the area being monitored and / or informing forthcoming developments.

Consideration for monitoring early-on in the planning process is highly recommended to ensure appropriate resources are allocated for the completion and implementation of an approved monitoring plan. In some cases it may be appropriate to establish locations and use methods for existing conditions data collection that can be replicated and also serve as baseline data for monitoring, and potentially for during and post-construction monitoring as well.

Monitoring plans must be approved by the City of London prior to the start of construction and are determined on a case-by-case basis considering the potential impacts of development and infrastructure, as well as the natural heritage features and functions identified (and evaluated) within or adjacent to the proposed development or infrastructure site. The detailed pre-construction and construction monitoring plan is to be included in the approved Environmental Monitoring Plan (EMP) (as described in **Section 2.6.6.9**) developed from the Environmental Recommendations of an EIS.

Monitoring will enable planning authorities, through development and infrastructure agreements, to require subsequent changes to site conditions if the environmental effects are found to exceed predicted effects or targets, or if there are identifiable negative effects. Monitoring the environmental effects of development and infrastructure also provides well-documented, local examples of best management practices for particular types of development or infrastructure projects and particular types of features or functions. Monitoring may encompass a number of different measures as determined through the EIS process based on the potential impacts and mitigation measures that have been approved.

Common conditions and / or mitigation measures that may require monitoring include, but are not limited to:

- hydrogeological and hydrological processes (e.g., maintenance of pre-development groundwater levels and flows to watercourses, maintenance of water balance in wetlands)
- erosion and sediment control measures (e.g., spills and sediment releases)
- tree protection measures (e.g., machinery in identified tree protection zones)
- natural heritage feature encroachments (e.g., no grading or dumping within protected features)
- ecological functions of natural heritage features (e.g., continued presence of amphibian species and / or forest bird species documented pre-development)
- successful naturalization of buffers and,
- plant survivorship from feature-based restoration and / or compensation.

Monitoring should be tailored to the local conditions and anticipated impacts, focused on measures that can be documented consistently and include indicators or triggers for adaptive management where

appropriate, and indicate if the proponent, the City or another agency will be responsible for undertaking the adaptive management if required. Measures and responsibilities will ultimately be determined in consultation with the City and any other responsible agencies.

The definition of clear goals and objectives, as well as robust information on the proposed mitigation measures and potential impacts, are critical in determining which aspects of the natural heritage features (and functions) require monitoring. This will aid in ensuring that the monitoring program will not only be effective, but efficient and streamlined (e.g., targeted monitoring).

## Environmental Management Plan (EMP) Requirements

As discussed in **Section 2.6.6.9** the primary deliverable of the EIS is the Environmental Management Recommendations section. The environmental management recommendations may form an Environmental Management Plan (EMP).

The typical components of an EMP include:

**Natural Heritage System Components** – The NHS components present within and adjacent to the subject lands in which development is generally not permitted. This may include regulated features and hazard lands. These areas should be delineated on an EMP Figure(s) to be included in this section of the EIS. Recommendations regarding the NHS Components must require that these areas are delineated on Site Plans and contract drawings with notes that identify the areas as “no development, and no entry” areas.

**Ecological Buffers** – Ecological buffers must be clearly delineated on the EMP Figure(s). Recommendations regarding ecological buffers must require that these areas are delineated on Site Plans and contract drawings with notes that identify “no development, and no entry” areas. Pathways, trails or passive low impact development measures proposed and approved for inclusion in the buffer (in accordance with the criteria and process outlined in **Section 5.4**) will be clearly delineated. Additionally, any management recommendations and planting recommendations for ecological buffers should be detailed such that the recommendations can be added to landscape drawings with clear specifications for seed mixtures, shrub and tree plantings and other measures.

**Restoration, Enhancement and Compensation Measures / Areas** – Areas that have been identified for restoration, enhancement or compensation should also be identified on the EMP Figure(s). Similar to the ecological buffers, management recommendations and planting recommendations for restoration, enhancement and compensation areas should be detailed such that the recommendations can be added to landscape drawings with clear specifications for seed mixtures, shrub and tree plantings and other measures.

**Construction Monitoring and Inspection Plan** – The requirements for mitigation measures during construction must be detailed in a Construction Monitoring and Inspection Plan. This plan must provide standard construction mitigation measures and mitigation measures specific to the project and subject lands. Components that may be included in a Construction Mitigation and Monitoring Plan include:

- *Delineation and specifications for tree protection and / or ESC fencing* – protection fencing to be installed outside of the Natural Heritage System Components including ecological buffers as applicable should be identified on maps or drawing in the EMP, site plans and contract drawings.

- *Delineation and specifications for wildlife exclusionary fencing* – Wildlife exclusionary fencing designed to prevent wildlife from entering the construction areas of a site should be identified on the EMP, Site Plans and contract drawings. \* *Note that this and the above noted ESC fencing may be one and the same if the specifications for both are met.*
- *Species at Risk and Wildlife Handling Protocols* – During construction, SAR and other wildlife may enter the site putting them at risk of injury or mortality from construction equipment, vehicles or construction crews working on the site. The preparation of a Species at Risk and Wildlife Handling Protocol document can prevent or mitigate injury or mortality. This protocol document should be tailored to the project and the species present within the subject lands and the broader study area.
- *Dewatering and temporary stormwater management* – Dewatering and temporary stormwater management measures may be required for a construction site. Mitigation measures for these measures should be detailed and specified on contract drawings for the project and clearly detailed in the EMP.
- *Dust suppression measures* – Dust suppression measures may be required for the construction works on the site. If required, dust suppression measures should be detailed and included in the specifications on contract drawings.
- *Construction Monitoring* – The monitoring of the above mitigation measures should be an integral part of the plan during construction. The frequency and details of the construction monitoring should be tailored to the specific project requirements as identified in the EMP. The environmental monitoring program should be specific to the EMP and should not be considered replication or replacement for regular site inspections for other purposes.

### Environmental Management Plan Report Requirements

- **Goals and objectives** of the mitigation being monitored are clearly outlined to provide a baseline;
- A **timeline** of the monitoring requirements for each of the development stages (e.g., pre-, during, and post-construction) should be clearly outlined;
- **Mitigation measures** should be clearly defined (and geo-referenced), including the inclusion of measurable **thresholds** (as approved on a case-by-case basis as approved by the City of London through the EIS process) that may trigger remedial action;
- **Data collection methods**, which should be **standardized** to ensure the long-term sustainability of the monitoring program, need to be clearly defined and applicable to the goals and objectives;
  - To assess baseline conditions, monitoring should employ sampling methods that accurately assess ecological conditions using a standardized approach that can be replicated as outlined in **Appendix C**.
- Clear **monitoring programs** that include the following three types of monitoring:
  - **Baseline** to outline the existing conditions of natural heritage features and functions in accordance with established and accepted data collection standards;



- **Compliance** with approved EIS requirements, ESC monitoring and applicable legislation; and,
- **Post Construction** monitoring of measures implemented to mitigate potential impacts from development.
- Processes or mechanisms for **data storage / transfer, quality assurance, and analysis of results** for initiating responses to threshold triggers;
- **Roles and Responsibilities**, along with the required qualifications, of those undertaking the monitoring program;
- An outline of the **reporting** structure required for the development or infrastructure as determined through an approved EIS;
  - All **monitoring data** must be shared with the City of London as a part of each **monitoring report**.
- **Contingency** measures or strategies should mitigation not be effective in achieving no net impacts as per the approved EIS; and,
- **Amendments** may be necessary as the detailed design, proposed mitigation, or construction activities change throughout the planning process (following the approval of an EIS).
- Monitoring should be undertaken intervals appropriate to the feature. Typical intervals include the 1, 3, and 5-year points after construction and or planting is complete, in order to allow for early detection and correction of any planting or construction failures.
- Monitoring and maintenance will typically be the responsibility of those undertaking the compensation project. This responsibility will be confirmed and documented as part of the agreements outlined in **Section 6.3**. Monitoring reports will be written to document project results. Where projects are not functioning as designed and approved, investigations will be undertaken to understand why and securities may be utilized to correct and / or complete restoration works. Further, modifications may be required to ensure that the project is successful; the need for these can be stipulated in an agreement and assured through securities held by the public agencies (see also **Section 6.3**). Monitoring and maintenance often constitutes a learning process that can inform future compensation decisions and implementation plans.

City of London staff, with input from local Conservation Authorities and any other relevant review agencies, will use the details contained in the approved EIS to guide the review of proposed compensation projects to facilitate appropriate and comprehensive ecological compensation. As per the usual plan review process, all comments from the TRT will be conveyed to the proponent by the City of London staff on the file.

### Monitoring Timeline and Responsibilities

As development and infrastructure proposals, along with the subsequent implementation, can be highly dynamic, it is critical to define the roles and responsibilities of the monitoring component for the entirety of the project and into the post-development phase. It is the responsibility of the **proponent** to create a monitoring plan (to be approved through the EIS process) and to implement monitoring until the end of the Assumption Development Stage (i.e., when the developer has satisfied all parts of the

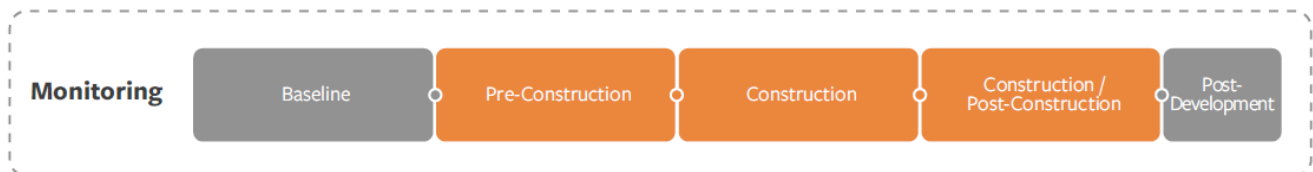
development or infrastructure agreement and the assumption has been granted) or once the proponent has fulfilled the requirements outlined in the EIS.

For each project, the proponent is required to articulate timelines and responsibilities of monitoring, including that for pre-, during-, and post-construction, compensation, and up until assumption. If the feature is being transferred into City of London ownership post-assumption, long-term monitoring will be conducted by the City of London. However, if the feature is retained as private ownership, long-term monitoring will be the responsibility of the proponent.

In general, the monitoring plan should be developed with consideration for the following general phases, depicted in **Figure 7.1**, which are described in subsequent sections of these guidelines:

- **Pre-construction** – to be completed prior to the initiation of construction activities;
- **Construction** – to be conducted from initiation of construction activities until a specified build-out stage as determined in consultation with the City of London;
- **Post-construction** – to be conducted following construction monitoring until the end of the Assumption Development Stage;
  - **Post-development** – to be completed as determined in consultation with the City of London; and,
  - **Compensation** – to be initiated upon completion of compensation project and continued until requirements have been met within the Ecological Replacement and Compensation Plan (as described separately in **Section 6.4**).

**Figure 7.1:** Environmental Monitoring Process Stages



The City of London will require EIS monitoring reports throughout the process. The reporting timeline and structure will be otherwise determined through the approval of an EIS.

### Pre-Construction Monitoring

Pre-construction monitoring will be approved as part of the EIS process for development and infrastructure projects. These monitoring programs and activities should align with the recommendations provided in the EIS (see **Section 2.6.6.9**) and be used to inform the EMP. Some examples of variables to be monitored pre-construction (and thus through the entirety of the project or until monitoring is handed over to the City post-development) may include, but are not limited to, the following:

- Surface and groundwater quantity, quality, and shifts in hydrologic dynamics (e.g., water balance, drainage patterns) that may be influenced by development or infrastructure activities, including grading; and,
- Encroachments to protected NHS components, buffer implementation and establishment, and effectiveness of other NHS protection measures such as fencing.

## Construction Monitoring

Upon initiation of construction activities, construction monitoring should be initiated to assess changes to site conditions, as well as the implementation of mitigation measures (as outlined in the approved EMP). In general, the bulk of the monitoring during this phase will be focused on *compliance*.

Compliance monitoring is implemented to ensure that the approved conditions of the EIS, along with those outlined in applicable legislation, are met during the construction phase. This step is critical to ensure that the natural heritage features, and their associated function(s), are protected and that impacts are mitigated as outlined in the approved EIS. Some examples of compliance monitoring include the inspection of, but are not limited to, the following mitigation measures:

- ESC;
- Tree protection;
- Boundary delineation and setbacks;
- Buffer implementation;
- Area searches for wildlife;
- Protection of water quality and quantity;
- Maintenance of hydrogeological regimes, assessed in partnership with the applicable Conservation Authority; and,
- Respect for timing windows for approved works (e.g., related to bat overwintering, breeding birds and / or fish habitat restrictions).

Should the proposed development or infrastructure project be non-compliant with the approved EIS, immediate action shall be taken to ensure the correct implementation of mitigation measures in accordance with the EMP (refer to **Section 7.2.1**). Activities that may result in negative impacts to the NHS shall be halted as soon as the issue is identified.

## Post-Construction Monitoring

As outlined in **Section 2.6.6.9**, the development of a post-construction monitoring plan should be initiated well before construction starts. The baseline information/data with which the post-construction monitoring information/data will be compared should be collected (ideally) in the year or two years before the start of construction.

The post-construction monitoring program should include the monitoring of the recommendations of the EMP (i.e., ecological buffers, enhancement, restoration and compensation areas specifications) as well as the monitoring of potential impacts to the NHS. Monitoring of potential impacts should be simplified and repeatable to ensure replicability and program adherence.

In general, post-construction monitoring will take place at a build-out stage or after a percentage of the construction activities have been completed. The specific timeline for the transition from construction to post-construction monitoring will be determined as part of an approved EMP in consultation with the City of London. Typical intervals include 1-, 3- or 5-years. The City will take on monitoring post assumption in intervals appropriate to the feature. Reporting of monitoring data including those for compensation sites shall be provided annually by the proponent for the duration of their responsible term.

The main focus of this phase of monitoring is to evaluate the performance and effectiveness of the mitigation implemented in the construction stage and to inform adaptive management and shifts in management and compensation strategies, if required.

Post-construction monitoring is critical to understanding if the mitigation and / or compensation measures are effective and / or if potential impacts are greater or lesser in magnitude than predicted during the impact assessment. Post-construction monitoring will also inform the need for adaptive management or amendments to the future monitoring plans based on the level of success of the mitigation measures.

Performance and effectiveness monitoring may be required based on mitigation measures for, but not limited to, the following:

- hydrogeological and hydrological processes (e.g., maintenance of pre-development groundwater levels and flows to watercourses, maintenance of water balance in wetlands)
- stormwater management measures (e.g., outlet water quality and erosion thresholds not exceeded)
- tree protection measures (e.g., protected trees remain in good health)
- natural heritage feature encroachments (e.g., no dumping or informal trail creation within protected features)
- ecological functions of natural heritage features (e.g., continued presence of amphibian species and / or forest bird species documented pre-development)
- successful naturalization of buffers, and
- successful establishment and diversification of feature-based restoration and / or compensation.

Post-construction monitoring requires the submittal of annual reports to the City of London outlining seasonal changes in the existing conditions of the NHS, as well as to show changes year-over-year. Any major issues identified during the monitoring periods (e.g., substantive die-off of plantings) must be brought to the immediate attention of the City of London and the proponent. In general, the report may include, but is not limited to, the following:

- General methodology and description (e.g., vegetation communities, taxa specific) of monitoring;
- Outline of thresholds and the associated contingencies in place should they be exceeded;
- All data collected (i.e., baseline, during construction, and up-to-date post construction);
- Analysis and comparison of data; and,
- A plan for the maintenance, and if necessary, implementation of additional mitigation measures.

Post-construction monitoring should take place until end of the Assumption Development Stage and will shift to the Post-development monitoring, as described in **Section 7.2.5.1**.

### *Post-Development Monitoring*

**Post-development monitoring** is aimed at continuing to assess ecosystem resilience, to detect changes in the structure of natural heritage features, and to assess the long term efficacy of EIS recommendations (i.e., mitigation measures). The requirement for post-development monitoring, along

with an outline of the roles and responsibilities, will be determined as part of an approved EMP (as outlined in **Section 2.6.6.9**) in consultation with the City of London. The results of post-development monitoring will be analyzed based on timelines in the EIS. The results of post-development monitoring inform if additional remedial works are necessary or if policy changes are needed.

### *Compensation Monitoring*

As outlined in **Section 6.3**, ecological compensation may be permitted where it is not possible to avoid, minimize, or mitigate potential negative impacts from development or infrastructure. The aim of compensation monitoring is to determine whether the ecological compensation has achieved no net loss, or preferably a net environmental benefit, in relation to the replaced or enhanced natural heritage features and their associated function(s). The proposed compensation monitoring plan must be approved prior to the implementation of compensation measures.

Compensation monitoring should be initiated upon completion of the compensation project (e.g., planting, restoration has been completed) to ensure that baseline data is captured. It is expected that monitoring will continue until the compensation goals have been achieved and the conditions approved through the EIS process (i.e., Ecological Replacement and Compensation Plan) have been fulfilled (5-year timelines should be expected) **or** the lands have been transferred to the City of London and an agreement has been made to shift monitoring responsibilities. This close-out process for compensation monitoring must be approved in consultation with the City of London.

Although compensation monitoring plan details will vary on a case-by-case basis, the following are some general recommendations:

- Compensation monitoring should capture the baseline conditions and re-evaluate the efficacy of the compensation project at the 1, 3, and 5-year milestones. Should the compensation project not meet the goal of no net loss or, preferably net environmental benefit (or net positive effect) at the 5-year milestone, compensation monitoring will be required at 5-year intervals until no net loss at minimum is achieved. This timeline may span pre-, during, and post-construction as it is recommended that compensation projects be initiated as early as possible to minimize lag time of replacing natural features and their function(s);
- Survivorship thresholds expectations should be set, with a 70% success rate being recommended as a baseline (NVCA, 2019);
- Monitoring data should be transferred to the City of London for storage and to inform future compensation strategies (e.g., lessons learned);
- Reporting should occur at each milestone to outline the succession and survivorship within the replaced or enhanced feature to assess the project's trajectory towards no net loss or, preferably net environmental benefit (or net positive effect). Where projects are not functioning as designed and approved (e.g. expected outcomes not observed, low survivorship of plantings), as defined through the Ecological Replacement and Compensation Plan, and with consideration for the most up-to-date research, interventions and modifications to the project will be required to ensure that the project achieves, at minimum, no net loss; and,

The City of London will provide direction on the success of the implementation of the EIS recommendations resulting in one of three outcomes; 1) do nothing, 2) remedial works identified, or, 3) policy changes identified.

## Glossary of Terms

**Adaptive management** - A planned and systematic process for continuously improving environmental management practices by learning about their outcomes. Adaptive management provides flexibility to identify and implement new mitigation measures or to modify existing ones during the life of a project (Canadian Environmental Assessment Agency, 2016).

**Adjacent lands** – Those lands within a set or specified distance of an individual component of the natural heritage system. Adjacent lands are defined as lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands will be in conformity with the distances identified in Table 13 of *The London Plan* or as recommended by the Province (City of London, 2019).

**Area-sensitive species** - Those that require a forest to be a given size (generally a relatively extensive habitat patch) to successfully reproduce or occur in higher densities (Sandilands, 1997)

**Areas of Natural and Scientific Interest (ANSI)** - *Areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education* (MMAH, 2020).

**Assumption Development Stage** - The developer has satisfied all parts of the development or infrastructure agreement and the assumption has been granted.

**Basal Area** – The basal area of a stand of trees is the sum of the cross-sectional surface areas of each live tree, measured at DBH, and reported on a per unit area basis. Basal area is a measure of tree density, and widely used in forestry, wildlife, and other natural resource management professions (Bettinger *et al.*, 2016).

**Baseline Conditions** – Baseline conditions may also be referred to as the environmental setting, existing conditions, and other similar terms. The baseline conditions are the physical, chemical, biological, social, economic, and cultural setting in which the proposed project is to be located, and where local impacts (both positive and negative) might be expected to occur. These conditions are the standard against which are compared projected future conditions from project alternatives. Their description and characterization are necessary for decision-makers, reviewers, and others who are unfamiliar with the project site and surrounding landscape (Shepard, 2006).

**Biodiversity** - The variability among organisms from all sources, including terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems. (MNRF, 2010b).

**Buffers** - *An area or band of permanent vegetation, preferably consisting of native species, located adjacent to a natural heritage feature and usually bordering lands that are subject to development or site alteration. The purpose of the buffer is to protect the feature and its functions by mitigating impacts of the proposed land use and allowing an area for edge phenomena to continue (e.g., allowing space for edge trees and limbs to fall without damaging personal property, area for roots of edge trees to persist, area for cats to hunt without intruding into the feature). The buffer may also provide area for recreational trails and provides a physical separation from new development that will discourage encroachment* (MNRF, 2010b).

**Carolinian Zone** - The Carolinian Zone is also known as ecological site region (Ecoregion) 7E. It covers approximately 22,000 km<sup>2</sup> in extreme southern Ontario, extending northeast from the United States

border to Toronto, and northwest to Grand Bend on Lake Huron. It is bounded by four major lakes (Huron, St. Clair, Erie and Ontario), and the St. Clair, Detroit and Niagara rivers. Climatically and biophysically it shares more with the “hot continental (broadleaved forests)” of the north-central United States than with the “warm continental (mixed deciduous-coniferous forests)” division farther north. It has been described as Canada’s most endangered major ecosystem, and many of its flora and fauna are found nowhere else in the nation. This is largely because many southern species are at their northern limits here, and because most of their natural habitat has been lost to human uses over the past three centuries.” (Jalava *et al.*, 2000).

**Coefficient of Conservatism** (for Southern Ontario) – *A numeric value between 0 (widespread) and 10 (found only in specialized habitats) assigned to each plant species indicating the degree of faithfulness a plant displays to a specific habitat or set of environmental conditions. “Conservative” plant species, such as those that are found only in relatively pristine natural habitats like bogs or prairies, are assigned a high coefficient of conservatism; other plant species that grow in a wide variety of habitats and can tolerate high levels of cultural disturbance are assigned low values. By compiling a plant species list for a natural area and looking up the coefficients of conservatism for each species listed, one can calculate a Floristic Quality Index, which can be used to compare the quality of natural areas. The NHIC has produced a list of native plants occurring in southern Ontario, and has assigned tentative coefficients of conservatism to each (MNRF, 2010b).*

**Complexity**, as it relates to habitats, is the number of species in the ecosystem and their relative abundances. Ecological communities and ecosystems are good examples of complex systems. They comprise large numbers of interacting entities, on many scales of observation, and their dynamics are often non-linear (causes are not proportional to consequences) – this leads to unpredictability and even apparent randomness.

**Compliance Monitoring** – Entails monitoring of the NHS components as needed to ensure that the approved recommendations in the EIS, along with any other applicable conditions, are met during the construction phase.

**Conservation Status Ranks** – *Standard methods to evaluate species and plant communities and assign conservation status ranks (MNRF, 2020).*

**Global Rank (GRank)** - *Conservation status of a species or plant community across its entire range (MNRF, 2020).*

**National Rank (NRank)** - *Conservation status of a species or plant community within a particular country (MNRF, 2020).*

**Subnational Rank (SRank)** – *Conservation status of a species or plant community within a particular province, territory or state (MNRF, 2020).*

**Critical Function Zones** – *The term Critical Function Zone (CFZ) describes non-wetland areas within which biophysical functions or attributes directly related to the wetland occur. This could, for example, be adjacent upland grassland nesting habitat for waterfowl (that use the wetland to raise their broods). The CFZ could also encompass upland nesting habitat for turtles that otherwise occupy the wetland, foraging areas for frogs and dragonflies, or nesting habitat for birds that straddle the wetland-upland ecozone (e.g., Yellow Warbler). Effectively, the CFZ is a functional extension of the wetland into the upland. It is not a buffer for the wetland (Environment Canada, 2013).*

**Cultural communities** – Vegetation communities originating from, or maintained by, anthropogenic influences and / or culturally based disturbances (such as agricultural fields (croplands) and pastures (grazing), mowing, woodlot management or tree cutting, etc.,) often containing a large proportion of introduced species (adapted from Lee *et al.* 1998), but undergoing natural succession. Cultural communities include, but are not limited to, cultural meadows, cultural thickets, cultural savannahs, cultural woodland, and cultural plantation ecosystems (Lee *et al.*, 1998).

**Cultural savannahs and cultural woodlands** - Areas where trees have been planted, or have resulted from first generation regeneration of a site originating or maintained by anthropogenic disturbances (Lee *et al.*, 1998). It does not include treed areas where the main stratum is dominated by native species and tree cover is >60%. Cultural savannahs are treed areas with 11-35% scattered or clumped tree cover and dominated by graminoids and forbs. Cultural woodlands have 36-60% scattered or clumped tree cover.

**Cumulative effects** – *The sum of all individual effects occurring over space and time, including those that will occur in the foreseeable future* (MNRF, 2010b).

**Development** – *the creation of a new lot, change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:*

- a) *activities that create or maintain infrastructure authorized under an environmental assessment process;*
- b) *works subject to the Drainage Act (MMAH, 2020).*

**Disturbance** - Any action that will cause an **effect** or **stress**; can be natural (e.g. fire, flood) or human – generated (e.g. various forms of development activity or agricultural uses).

**Drip Line** - *As the location on the ground beneath the theoretical line of the outer most branches of the trees at the edge of a woodland* (City of London, 2018). *Where an asymmetric tree canopy occurs, the drip line shall be the greatest of the drip line distances measured horizontally from the base of the trunk* (City of London, 2016b).

**Ecological boundary** – Is determined based on ecological principles, refined through the application of **Section 4** Boundary Delineation in these Environmental Management Guidelines, and are irrespective of property lines.

**Ecological Compensation** – Ecological compensation is an example of a trade-off whereby loss of natural values is remedied or offset by a corresponding compensatory action on the same site or elsewhere (Brown *et al.*, 2013). Ecological compensation is a positive conservation action that is required to counter-balance ecological values lost in the context of development or resource use and is an intentional form of trade-off (Morrison-Saunders and Pope, 2013).

**Ecological function** - *The natural processes, products, or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions* (MMAH, 2020).

**Ecological integrity** – *The condition of an ecosystem in which (a) the structure, composition and function are unimpaired by stresses from human activity, (b) natural ecological processes are intact and self-sustaining and (c) ecosystem evolution is occurring naturally. Ecological integrity includes hydrological integrity* (MNRF, 2010b).



1. The ability of a system to resist disturbance (resistance).
2. The ability of a system to recover or return to a balanced state when subject to some degree of perturbations and disturbance (resilience).
3. The ability to persist in the long-term with the minimum level of human maintenance.
4. The ability to maintain a structure of native flora and fauna.

**Edge Effects** – The distance from the periphery (of a given natural heritage feature) to the point where conditions (as indicated by specific criteria) do not differ from those in the interior habitat (adapted from Environmental Law Institute, 2003). *Edge effects are known to edge effects vary depending on natural feature type, position in the landscape and other factors... With respect to biological effects, 100 metres is probably a conservative estimate of the extent of edge effects.* (MNRF 2010b).

**Edge microclimate** - Sun and wind are the overriding controls of the edge microclimate. They determine which plants survive and thrive as well as having a major impact on soil, insects and other animals.

- Effects from south-facing edges tend to extend further into the feature than from north-facing edges.
- Effects from windward edges tend to extend further into the feature than from leeward edges.

**ELC Community Series** - Is the lowest level of classification using ELC that can be identified through maps, air-photo interpretation and other remote sensing techniques. Community series are distinguished on the type of vegetation cover (open, shrub, or treed) and / or the plant form that characterizes the community (i.e., deciduous, coniferous, mixed; Lee *et al.*, 1998).

**ELC Ecosite** – Part of an Ecosession having a relatively uniform parent material, soil, and hydrology, and a chronosequence of vegetation. It is a mappable, landscape unit integrating a consistent set of environmental factors and vegetation characteristics (e.g., Dry-Forest Deciduous Forest Ecosite) (Lee *et al.*, 1998).

**ELC Vegetation Type** - Is the finest level of resolution in the ELC, identified through site and stand level research and inventory. Vegetation types are generated by grouping similar plant communities based on plant species composition and dominance, according to relative cover. The goal is to distill the natural diversity and variability of plant communities to a small number of relatively uniform vegetation units (Lee *et al.*, 1998).

**Encroachment** – Encroachment(s) into protected natural heritage features and areas can occur from other land uses in the adjacent lands. Common examples of encroachment include dumping garden refuse in the natural area, creating unauthorized access (e.g., an informal trail), extending lawn management and manicuring into the natural area, and building structures (such as forts or bike jumps). Encroachment is usually more pronounced where the limit between the protected natural area and the adjacent land use is not fenced.

**Enhancement** – From an ecological perspective, whereby the quality of ecosystem functions are improved. Enhancement can occur within or adjacent to a feature, and is a term that can apply to a natural heritage feature or to a natural heritage system as a whole. An example of ecological enhancement within a feature is removal of invasive plant species and related replacement with suitable

native species. An example of an enhancement to a natural heritage system is the naturalization of a maintained lawn between two features to provide a more natural corridor or ecological linkage.

**Feature Boundary** – The delineated limit of one of the natural heritage features and areas that has been or may be included as a component of the City’s Natural Heritage System as per *The London Plan* Policies 1319 and 1320. Feature boundaries are to be determined in accordance with the applicable policies from the *The London Plan* and in these EMGs, **Section 4**. If not already completed, all features shall be assessed for significance accordance with the applicable policies from the *The London Plan* and in these EMGs, **Section 3**.

**Fish Habitat** – *As defined in the Fisheries Act, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes* (MMAH, 2020).

**Forest** - *A terrestrial vegetation community with at least 60% tree cover* (Lee et al., 1998) of coniferous and / or deciduous trees.

**Forest interior species** - Are those that nest only within the interior of forests and rarely occur near the edge (Freemark and Collins, 1992).

**Fragmentation** – [T]he degree to which natural habitat, once continuous, is divided into remnant isolated patches (Ontario Road Ecology Group, 2010).

**Ground water feature** – *Means water-related features in the earth’s subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations* (MMAH, 2020).

**Discharge Areas** – Discharge areas are usually located in valleys and lowlands. There the hydraulic gradients are directed upward toward the land surface. Discharging groundwater re-enters the surface-water regime as inflow to lakes or baseflow to streams, or to become evapotranspiration from wetlands (Council of Canadian Academies, 2009).

**Recharge Areas** – Recharge usually occurs in topographically higher areas of a groundwater basin. Water-table elevations tend to be a subdued reflection of surface topography, and the differences in watertable elevation provide the driving force that moves groundwater by gravitational flow from recharge areas toward discharge areas at lower elevations. In recharge areas, the hydraulic gradient at the water table is directed downward, and recharging waters enter the groundwater-flow system to begin their slow journey through the groundwater basin (Council of Canadian Academies, 2009).

**Hibernacula** – (singular = hibernaculum) Underground chamber whereby snakes are able to safely overwinter. Hibernaculum can be a built structure or naturally occurring, i.e., animal burrow or fissure in the bedrock (Long Point Basin Land Trust, 2020).

**High-Water Mark** - The average **highest** level that a watercourse or waterbody rises to and remains at long enough to alter the riparian vegetation (DFO, 2007; DFO, 2019).

**Indicator Species** – Species used which offer an indication of the biological condition in an ecosystem (MNRF 2011b).

**Invasive species** - an organism that is not native to the place where found and tends to grow and spread aggressively, usually to the detriment of native species and ecosystems.

**Interior Habitat** - With respect to woodlands, interior habitat is usually determined as habitat 100 metres or more from the outer edge of the woodland. These interior habitats provide productive habitat for sensitive species that are sheltered from external influences and disturbance (MNRF, 2010b).

**Landform** - Is a topographic feature. The various slopes of the land surface resulting from a variety of actions such as deposition or sedimentation, erosion and movements of the earth crust.

**Linkage** - *Linear area intended to provide connectivity (at the regional or site level), supporting a complete range of community and ecosystem processes, enabling plants and animals to move between core areas and other larger areas of habitat over a period of generations. The terms are used interchangeably for planning purposes but may need to be distinguished for ecological or biological reasons* (MNRF, 2010b). Linkages can be naturally existing or restored linear landscape connections between two or more component of the NHS. In the City of London, from an ecological perspective, linkage functions can be supported by many components of the NHS. Also see the definition for Upland Corridors.

The functions provided by ecological linkages are informed by characteristics such as their width (i.e., appropriate to the scale of the phenomenon being addressed), length (e.g., a long corridor will generally need to be wider than a short one), quality (e.g., vegetative structure and composition), species diversity (e.g., low non-native plant indices), type of corridor use (e.g., species in which individuals pass directly between two areas in discrete events of brief duration; or species that need several days to several generations to pass through), importance within the landscape (e.g., the last remaining natural connection between two features), as well as the functions being expected of the linkage. Corridor functions may include, but are not limited to avenues along which:

- wide-ranging animals can travel, migrate and meet mates;
- plants can propagate;
- genetic interchange can occur among native flora and fauna;
- populations can move in response to environmental changes and natural disasters;
- individuals can recolonize habitats from which populations have been locally extirpated (MNRF 2010b, Environment Canada, 2013).

**Low Impact Development (LID)** – Approach to land development that mimics the natural movement of water in order to manage stormwater (rainwater and urban runoff) close to where the rain falls. LID uses small, simple design techniques and landscape features that filter, infiltrate, store, evaporate, and detain rainwater and runoffs at the lot level. (City of Hamilton, 2020).

**Mean Coefficient of Conservatism (MCC)** - Is calculated from the conservatism coefficients of all native species in a patch. MCC aids in measuring the overall quality of a site. The conservative coefficient describes the probability of finding a species in a particular habitat type or undisturbed habitat. Coefficients range from 0 (widespread) to 10 (found only in specialized habitats). See definition for Coefficient of Conservatism above.

**Mitigation** – *The prevention, modification, or alleviation of impacts or actions on the natural environment and -.... the prevention of negative impacts. Mitigation also includes any action intended to enhance beneficial effects* (MNRF 2010b)..

**Native species** – For the City of London, usually refers to species that occurred naturally in southwestern Ontario prior to European settlement. Where the status of a species is in question, the City will defer to the Natural Heritage Information Centre.

**Natural Heritage Features and Areas** - In the City of London, these are those features and areas identified in accordance with the Provincial Policy Statement and listed in *The London Plan* policies 1319 and 1320..

**Natural Heritage System** - *A system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be use (MMAH, 2020).*

**Natural landform-vegetation communities** - Areas of vegetation associated with landform types (e.g., ravine, floodplain, tableland). The communities should represent typical pre-settlement vegetation conditions. For example: Yellow Birch deciduous swamp type on floodplain; or fresh Hemlock coniferous forest type on steep slope/ravine.

**Negative Impacts** – is defined in accordance with the Provincial Policy Statement and includes policy references from that document, as follows: a) *in regard to policy 1.6.6.4 and 1.6.6.5, potential risks to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;* b) *in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;* c) *in regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and d) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities (MMAH 2020).*

**Net effects** - Those impacts that remain after mitigation has been implemented.

**Non-native species** - Used to refer to a species that did not originate naturally in an area. Usually refers to species that have been introduced to southwestern Ontario since European settlement. Where the status of a species is in question, the City will defer to the Natural Heritage Information Centre.

**Overall Benefit Permit** – Issued under the *Endangered Species Act* in which “*authorizes a person, company or organization to perform the activity, as long as an overall benefit to the species is realized*” (MECP, 2020). The person, company or organization must undertake “*actions that contribute to improving the circumstances to the species*” (MECP, 2020).

**Patch clusters** – Are several patches that may be connected as one Area if certain criteria for connectivity and distance are met (EPPAC, 1996). As defined in these EMGs (Section 3.1), these are vegetation patches within 250 m of each other that are not separated by major roads, highways, or urban development.

**Patches** – Are area of naturalized vegetation generally larger than 0.5 ha. A patch may be bisected by a utility corridor or road if the right-of-way (ROW) is less than 40 m. Patches may include one or more vegetation communities within natural feature boundaries, see Section 4.0.

**Place Type (*The London Plan*)** - Traditionally, Planners have focused on land use when setting plans for geographic areas within a city – often referred to as a “land use designation”. *The London Plan* takes a different approach by planning for the type of place that is envisioned – what this Plan refers to as a “Place Type”. It seeks to plan highly-functional, connected, and desirable places. Most place types support a range of intensities and a mix of land uses (City of London, 2019).

**Environmental Review** - 779\_ In some cases, lands may contain natural heritage features and areas that have not been adequately assessed to determine whether they are significant and worthy of protection as part of the City’s NHS. The Environmental Review Place Type will ensure that development which may negatively impact the value of these features does not occur until such time as the required environmental studies are completed. 780\_ In addition to the components of the NHS which have been evaluated and shown as Green Space on Map 1 – Place Types in conformity with the policies of this Plan, additional lands are identified on Map 5 – Natural Heritage, that may contain significant natural features and areas and important ecological functions which should be protected until environmental studies have been completed, reviewed, and accepted by the City. These potential components of the NHS, shown within the Environmental Review Place Type on Map 1, will be protected from activities that would diminish their functions pending the completion, review and acceptance of a detailed environmental study (City of London, 2019).

**Green Space** - 757\_ The Green Space Place Type is made up of a system of public parks and recreational areas, private open spaces, and our most cherished natural areas. It encompasses a linear corridor along the Thames River, which represents the natural heritage and recreational spine of our city. It also encompasses our hazard lands, including our valleylands and ravines, and the floodplains associated with our river system. 758\_ The Green Space Place Type is comprised of public and private lands; flood plain lands; lands susceptible to erosion and unstable slopes; natural heritage features and areas recognized by City Council as having city-wide, regional, or provincial significance; lands that contribute to important ecological functions; and lands containing other natural physical features which are desirable for green space use or preservation in a natural state. The components of the NHS that are included in the Green Space Place Type on Map 1 – Place Types, are identified or delineated on Map 5 - Natural Heritage. Hazard lands and natural resource lands that are included in the Green Space Place Type on Map 1 are identified or delineated on Map 6 – Hazards and Natural Resources (City of London 2019).

**Plantation** - A coniferous or deciduous treed community in which the majority of trees have been planted (Lee *et al.*, 1998).

**Potential Naturalization Areas** - *Potential naturalization areas are defined as areas where the opportunity exists to enhance, restore, or where appropriate, expand the NHS. These areas may include*

lands suitable to create natural habitats such as wetland habitat, pollinator habitat, wildlife habitat, or to compensate for trees lost to development. (**The London Plan** Policy 1378). Potential naturalization areas are an important component of the Natural Heritage System. Potential naturalization areas can include lands adjacent to natural heritage features and areas, other natural features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. Potential naturalization areas may enhance, restore or strengthen and expand the health and viability of a natural heritage feature or area (**The London Plan** Policy 1379).

**Prairie** - An area of native grassland controlled by a combination of moisture deficiency and fire. Usually containing a distinctive assemblage of species. May include tallgrass prairie, tallgrass savannah or tallgrass woodland upland communities (Lee *et al.*, 1998).

**Provincially Significant Wetland** – Wetlands that have been “identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time” (MMAH, 2020)..

**Restoration** – From an ecological perspective, “is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed” (Society for Ecological Restoration website).

**Savannah** – A treed community with 11 to 35% cover of coniferous or deciduous trees (Lee *et al.* 1998).

**Satellite Woodlands** - Are small treed or forested areas located within 100 m of a larger area of significant woodland. The satellite may be part of a Patch or Patch Cluster.

**Setback** - A land use planning term, established through the use of zoning standards, generally providing for minimum distances from lot lines to achieve appropriate locations for buildings and structures (MNRF, 2010b; Beacon, 2012). Within the City of London “setbacks shall apply from any lands identified as an ecological buffer” (City of London, 2019).

**Significant** - As defined by the *Provincial Policy Statement* means:

*a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario MNRF using evaluation procedures established by the Province, as amended from time to time; b) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario MNRF; c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or NHS; Criteria for determining significance for the resources identified in sections (c) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation (MMAH, 2020).*

**Site Alteration** – Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site (MMAH, 2020).

**Successional / Seral Age** - The stage in a vegetation chronosequence or succession at a given site.

**Climax communities** - Are self-perpetuating and composed of climax species. A successional stage with unevenly aged and multiple height classes (Strong *et al.*, 1990).

**Early successional communities** - Have not undergone a series of natural thinning. Dominant plants are essentially growing as independent individuals, rather than as members of a phytosociological community. It is floristically similar to mid-successional stands, but is juvenile in structural development (Strong *et al.*, 1990).

**Mid-Aged** - A seral stage of a community that has undergone natural thinning and replacement as a result of species interaction; the community often contains examples of both early successional and late successional species. Mid-successional communities have undergone natural thinning as a result of species interaction, and may show evidence of invasion by climax species, but they are still dominated by seral species. They may include stands with an over mature understorey (Strong *et al.*, 1990).

**Mature** - A seral stage in which a community is dominated primarily by species that are replacing themselves and are likely to remain an important component of the community if it is not disturbed again. Significant remnants of early seral stages may still be present. **Mature Forests** are dominated primarily by species which are replacing themselves and are likely to remain an important component of the community if it is not disturbed again. Significant remains of early seral stages may still be present (Lee *et al.*, 1998).

**Older Growth Forests** - relatively old and relatively undisturbed by humans. The definition of older growth considers factors other than age, including forest type, forest structure, forest development and the historical and current patterns of human disturbance. Older growth forests are self-perpetuating communities composed primarily of late seral species which show uneven stand age distribution including large old trees without open-grown characteristics (Lee *et al.*, 1998).

**Pioneer** - A community that has invaded disturbed or newly created sites and represents the early stages of either primary or secondary succession. Pioneer communities have invaded disturbed or newly created sites, and represent the early stages of either primary or secondary succession (Strong *et al.*, 1990).

**Sub-climax communities** - Are successional maturing communities dominated primarily by climax species, but significant remnants of earlier seral stages may be present (Strong *et al.*, 1990).

**Young** - A seral stage of a plant community that has not yet undergone a series of natural thinning and replacements. Plants are essentially growing as independent individuals rather than as members of a phytosociological community.

**Rare Plant Species** – List of species that can be grouped but not limited to the following:

**Provincially Rare Plants** includes species with an element ranking of S1-S3 (For a complete listing of Ontario's rare plant species consult NHIC at [www.mnr.gov.on.ca/MNR/nhic/nhic.html](http://www.mnr.gov.on.ca/MNR/nhic/nhic.html)).

**Regionally Rare Plants** - includes species with 1 to 4 stations (records) in Middlesex County (as per the *List of the Vascular Plants of Ontario's Carolinian Zone (Ecoregion 7E)*, Oldham 2017).

**Regionally Uncommon Plant** - Native in the Carolinian Zone and (a) listed as common in no more than one Carolinian Zone area; and (b) not rare or historic in more than half of the Carolinian Zone areas ( $\geq 6$ ) in which it is native and ranked (i.e. not X (no Status)) (as per the List of the Vascular Plants of Ontario's Carolinian Zone (Ecoregion 7E), Oldham 2017).

**Species Richness** - The number of different species within a community (Pyron, 2010).

**Species-at-Risk** - Used to describe species that are listed in one of the conservation categories of “endangered”, “threatened” or “vulnerable”/ “special concern”

**Endangered** – Any native species that on the basis of the best available scientific evidence, is at risk of extinction or extirpation throughout all or a significant portion of its (Ontario) range; a species threatened with imminent extinction or extirpation (COSEWIC).

**Threatened** - Any native species that, on the basis of the best available scientific evidence, is at risk of becoming endangered throughout all or a significant portion of its (Ontario) range (COSSARO); a species likely to become endangered if the limiting factors are not reversed (COSEWIC).

**Special Concern / Vulnerable** - Any native species that, on the basis of the best available scientific evidence, is a species of special concern (in Ontario), but is not a threatened or endangered (COSSARO); a SAR because of low or declining numbers, small range or because of characteristics that make it particularly sensitive to human activities or to natural events (COSEWIC). COSEWIC has replaced the category of “Vulnerable” with “Special Concern”.

**Stormwater Management** – The plans, public works and initiatives put in place to maintain quality and quantity of stormwater runoff to pre-development levels (City of London, 2019).

**Thicket Swamp** - A wooded wetland area occurring on organic or mineral substrates with a water table that seasonally drops below the substrate surface; dominated by small trees and shrubs where the tree cover is <10% and the small tree or tall shrub cover (shrubs defined by Soper and Hiemburger 1982) is >25% (Lee *et al.*, 1998).

**Top-of-Slope** - The intersection of the physical top of a bank or valley slope with the table land. This can be different than the geotechnical or engineered stable top-of-slope. For well-defined valleys, the physical boundary is generally defined by the stable or the predicted top-of-slope while “for a less well-defined valley or stream corridor, the physical boundary may be defined in a number of ways, including the consideration of riparian vegetation, the flooding hazard limit, the meander belt or the highest general level of seasonal inundation” (MNRF 2010b).

**Tree Canopy** – An almost continuous layer of foliage formed by the crowns of the larger trees. Shades the layers of vegetation below (CVC, 2011).

**Treed** – A community with tree cover of >10% (Lee *et al.*, 1998).

**Unevaluated Wetland** – Wetlands that have not undergone the OWES evaluation process.

**Upland Corridors** - *Vegetated areas, or potentially revegetated areas, that provide a link between natural heritage features and areas of the Natural Heritage System. Upland corridors may incorporate infrastructure (such as culverts or underpasses) to support connectivity (The London Plan Policy 1372). Upland corridors support and connect valleylands to natural heritage features and areas where the valleylands do not directly connect. Valleylands are also essential for establishing connectivity for the*



*Natural Heritage System, and they provide corridor and linkage functions between natural heritage features and areas. Both are essential in a highly fragmented or urban landscape (The London Plan Policy 1374). Upland corridors are “to retain or create linkages between isolated natural areas” (The London Plan Policy 1417\_g).*

**Urban Growth Boundary** - The boundary shown on Map 1 and Figure 1, beyond which urban uses will not be permitted. Generally, this map boundary separates the urban parts of our city from the rural parts of our city” (City of London, 2019).

**Valleylands** - *A natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year (MMAH, 2020).*

**Vascular Plants** – Have a specialized vascular systems known as the xylem and phloem (Leslie, 2018).

**Vegetation Patch** – Vegetation patches are usually referred to as such in the City of London before they are assessed and screened to determine if they meet the criteria for one or more of the City’s NHS components, as listed in **The London Plan** Policy 1319. Also, see “Patches”.

Vegetation patches are considered as one unit and can be comprised of one or more “natural heritage features” inside the feature boundary (e.g., woodland, wetland, etc.).

**Vernal Pool** – Pool fed by either groundwater (e.g., springs), snowmelt, or surface water that may be important breeding sites for [various species], which are generally found within a woodland or in proximity to a woodland (MNRF, 2010b).

**Watercourse** - Is defined according to several federal and provincial Acts and Regulations and typically consists of a distinct (somewhat to well-defined) channel in which water naturally flows at some time of the year [i.e., permanent, intermittent, or ephemeral flow as defined by MNRF’s Stream Permanency Handbook for South-Central Ontario (MNRF, 2013b)]. This includes anthropogenically created / maintained / altered features as well as natural features.

**Watershed** – *An area that is drained by a river and its tributaries (City of London, 2019).*

**Subwatershed** - *Area drained by a stream or group of streams within the larger watershed. A subwatershed identifies streams, wetlands, forests, groundwater recharge, and other natural areas (GRCA, 2020).*

**Wetland** - Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition (MMAH, 2020).

In the City of London Wetlands are those that are evaluated for significance that do not meet the criteria for designation as a PSW per OWES, as confirmed by the MNRF. Examples of wetlands include:

**Bog** - Is defined as an open or treed wetland area on deep (>40cm) peat almost entirely composed of Sphagnum species. The tree cover is less than 25%, scattered or clumped, and usually under 10 m in height. The wetland is dominated by graminoids and / or low ericaceous shrubs (Riley, 1994 from Lee *et al.*, 1998).

**Fen** - Is defined as an open or treed wetland area on deep (>40cm) sedge and woody peat with a substantial component of brown moss. The tree cover is less than 25%, scattered or clumped. The wetland is dominated by graminoids and low non-ericaceous shrubs (Lee *et al.*, 1998). **Fens** may also include seepage marl areas with <40 cm peat, and / or the presence of fen indicator species.

**Marsh** - Is defined as an open wetland area occurring on organic or mineral substrates with a water table that fluctuates seasonally or periodically at, near, or above the substrate surface; dominated by hydrophytic sedges, grasses, cattails, reeds, forbs or low shrubs with tree and tall shrub cover <25%; may include meadow marsh, shallow marsh, deep marsh or shrub marsh (Lee *et al.*, 1998).

**Swamp** - A mineral-rich wetland community characterized by a cover of coniferous or deciduous trees (Lee *et al.*, 1998).

**Wetland Plant Species** – Species that are found in wetlands in Ontario. Wetland plant species range from those species that occur primarily in wetlands (“wetland indicators”) to those species that occur in both wetlands and uplands (MNRF, 2014a).

**Emergent** - Herbaceous plants which rise out of the water (MNRF, 2014a).

**Floating** - Rooted, vascular hydrophytes with leaves floating horizontally on or just above the water surface (MNRF, 2014a).

**Submergent** - Rooted hydrophytes with leaves entirely under the water surface (MNRF, 2014a).

**Wildlife Habitat** - *Areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or nonmigratory species* (MMAH, 2020).

**Woodland** – A treed community with 35 to 60% cover of coniferous or deciduous trees, (Lee *et al.*, 1998), 10% tree cover (as described in **Section 3.1.1** in these Environmental Management Guidelines) or 25% shrub cover (as described in **Section 3.1.1** in these Environmental Management Guidelines). In the *Provincial Policy Statement* woodland “*means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels*” (MMAH, 2020).

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# Appendix A

## EMG Process Flowchart

# Appendix B

## Environmental Scoping Checklist

## APPENDIX B - Environmental Study Scoping Checklist

<b>Application/Project Name:</b> _____
<b>Proponent:</b> _____ <b>Date:</b> _____
<b>Proposed Project Works:</b> _____
<b>Study Type:</b> _____
<b>Lead Consultant:</b> _____
<b>Key Contact:</b> _____

<b>Technical Review Team:</b>	
<input type="checkbox"/> Ecologist Planner: _____	<input type="checkbox"/> Province – Species at Risk: _____
<input type="checkbox"/> Planner for the File: _____	<input type="checkbox"/> Province - Other: _____
<input type="checkbox"/> Conservation Authority: _____	Contact: _____
<input type="checkbox"/> EEPAC: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Project Manager, Environmental Assessment:	

### Subject Lands and Study Area:

Location/Address and Size (ha) of Subject Lands:

\_\_\_\_\_

Study Area Size (approximate ha): \_\_\_\_\_  Map (attached): \_\_\_\_\_

Position of Site in Subwatershed: \_\_\_\_\_

Tributary Fact Sheet: \_\_\_\_\_

Is the proposed location within the vicinity of the Thames River (<120 m)?  Yes  No

If Yes, initiate engagement with local First Nation communities. Consultation activity to be provided at Application Review stage.

**Policy:**

- Study must demonstrate how it conforms to the Provincial Policy Statement
- Study must demonstrate how it conforms to *The London Plan*

**Map 1 Place Types:**

- Green Space
- Environmental Review

Other Place Types: \_\_\_\_\_

**Map 4 Active Mobility Network:**

- Pathway placement and future trail accesses shall be considered as part of this study.

**Map 5 Natural Heritage System:**

*(Subject Lands and Study Area delineated on current aerial photographs)*

- Provincially Significant Wetland Name: \_\_\_\_\_
- Wetlands  Unevaluated Wetlands\*
- Area of Natural & Scientific Interest Name: \_\_\_\_\_
- Environmentally Significant Area Name: \_\_\_\_\_
- Potential ESAs  Upland Corridors
- Significant Woodlands  Woodlands
- Significant Valleylands  Valleylands
- Unevaluated Vegetation Patches  Potential Naturalization Areas

Patch No. \_\_\_\_\_

*\* ELC (air photo interpretation and / or previous studies) may identify potential wetlands or other potential features not captured on Map 5.*

**Map 6 Hazards and Natural Resources:**



Maximum Hazard Line     Conservation Authority Regulation Limit (and text based regulatory limit) – Project falls under *Conservation Authority Act* Section 28

### Required Field Investigations:

#### Aquatic:

Aquatic Habitat Assessment: \_\_\_\_\_

Fish Community (Collection): \_\_\_\_\_

Spawning Surveys: \_\_\_\_\_

Benthic Invertebrate Survey: \_\_\_\_\_

Mussels: \_\_\_\_\_

Other: \_\_\_\_\_

#### Wetlands:

Wetland Delineation: \_\_\_\_\_

Wetland Evaluation (OWES): \_\_\_\_\_

Other: \_\_\_\_\_

### Terrestrial (Wetland, Upland and Lowland):

- Vegetation Communities (ELC): \_\_\_\_\_
- Botanical Inventories     Winter     Spring     Summer     Fall
- Breeding Bird Surveys (type & frequency): \_\_\_\_\_
- Raptor Surveys: \_\_\_\_\_     Shoreline Birds: \_\_\_\_\_
- Crepuscular Surveys: \_\_\_\_\_     Grassland Surveys: \_\_\_\_\_
- Amphibian Surveys (type & frequency): \_\_\_\_\_
- Reptile Surveys:
  - Turtle (type & frequency): \_\_\_\_\_
  - Snake (type & frequency): \_\_\_\_\_
  - Other (type & frequency): \_\_\_\_\_
- Bat Habitat, Cavity & Acoustic Surveys: \_\_\_\_\_
- Mammal Surveys: \_\_\_\_\_
  - Winter Wildlife Surveys: \_\_\_\_\_
- Butterflies (Lepidoptera): \_\_\_\_\_
- Dragonflies / Damselflies (Odonata): \_\_\_\_\_
- Species at Risk Specific Surveys: \_\_\_\_\_
- Species of Conservation Concern Surveys: \_\_\_\_\_
- Significant Wildlife Habitat Surveys: \_\_\_\_\_
- Other field investigations: \_\_\_\_\_

### Supporting Concurrent Studies/Investigations:

- Hydrogeological/Groundwater: \_\_\_\_\_
- Surface Water/Hydrology: \_\_\_\_\_
- Water Balance: \_\_\_\_\_
- Fluvial Geomorphological: \_\_\_\_\_
- Geotechnical: \_\_\_\_\_

Tree Inventory: \_\_\_\_\_

Other: \_\_\_\_\_

### Evaluation of Significance:

#### Federal:

Fish Habitat  Other Federal: \_\_\_\_\_

Species at Risk (SARA)

#### Provincial:

Provincially Significant Wetlands  Significant Woodlands

Significant Valleylands  Significant Wildlife Habitat Ecoregion 7E

Areas of Natural & Scientific Interest  Fish Habitat

Water Resource Systems

Species at Risk (ESA): \_\_\_\_\_

#### Municipal/London:

Environmentally Significant Areas (ESAs), Potential ESAs

Significant Woodlands, Woodlands

Significant Valleylands, Valleylands

Wetlands, Unevaluated Wetlands

Significant Wildlife Habitat

Unevaluated Vegetation Patches

Other Vegetation Patches >0.5 ha

Potential Naturalization Area

Other: \_\_\_\_\_

#### Impact Assessment:

Impact Assessment Required

---

Net Effects Table Required

### Environmental Management Recommendations:

Environmental Management Plan: \_\_\_\_\_

Specifications & Conditions of Approval: \_\_\_\_\_

Other: \_\_\_\_\_

### Environmental Monitoring:

Baseline Monitoring: \_\_\_\_\_

Construction Monitoring: \_\_\_\_\_

Post-Construction Monitoring: \_\_\_\_\_



# Appendix C

## Data Collection Standards

## APPENDIX C – Data Collection Standards

Understanding the features and functions of natural areas is considered central to the assessment of significance and to the evaluation of potential impacts of development and recommendations of environmental management strategies. The following sections provide insight into the methodologies and standards required for data collection for informing natural heritage studies within the City of London.

### Background

The identification and evaluation of natural features and ecological functions form the basis for assessing the effects of a proposed development on an area and its adjacent lands. It is critical to obtain sufficient, accurate information on the existing conditions of natural heritage features and their functions to ensure an informed impact assessment for a proposed development or infrastructure project (MNRF, 2010a). Inventory protocols (as outlined below) provide a standard for effectively evaluating the existing abiotic and biotic elements of natural heritage features and provide strong field data to inform impact assessment, mitigation, and monitoring for proposed development or infrastructure projects. It may be necessary to use multiple assessment methodologies to capture all data (e.g., Marsh Monitoring auditory surveys and SWH visual assessment).

Further, the intention of Data Collection Standards is to ensure that all new information collected for various studies, including EIS, uses a similar approach and format so that it may be entered into regional databases and compared with existing information. The size of the study area should not affect the ability to make comparative evaluations. Watershed and sub-watershed studies establish a robust baseline of information from which comparative evaluations can be made.

For some natural heritage features and areas, the level of effort required to determine significance may be made at a landscape level (e.g., Significant Woodlands), without conducting a detailed site inventory. However, it is important to collect all levels of information required at the landscape, community, and species levels to address the potential for impacts. The specific elements required for the natural heritage inventory and analysis component of an EIS will vary depending on the size, type, location of the development, and the natural feature that may experience negative impacts. Important elements of study for any given EIS will be selected from a detailed list, however not all elements will need to be included in every EIS (refer to **Section 2.6**).

### Guidelines for Data Collection

An Environmental Study must be based on data that is considered current and collected using established protocols and standards, including data collected by the proponent as it informs the analysis, recommendations, and conclusions that are provided within the EIS. Field data reflects the site conditions at the time of collection, however over time conditions on site can change due to a variety of reasons (e.g., vegetation growth, disturbances, and shifts in vegetation community composition). These changes in conditions can affect the accuracy and applicability of the field data. The “shelf life” of field data can vary depending on the type of data, the site, or the surrounding conditions.

Where relatively current data (up to 5 years) is available for the site and it meets the City of London’s Data Collection Standards (outlined in this document), it may be applied to meet some of the requirements for three-

or five-season inventory (as determined through consultation with the City of London). However, a minimum of two wildlife/ecological site visits will still be required to verify and document current/existing conditions, unless otherwise specified in the ESSC. The timing of the site visits will be made to supplement information gaps, confirm significant, rare and sensitive features, delineate ecological boundaries, and to identify site specific impact, mitigation, and management requirements. Where there is older inventory information available (5 to 10 years) it must be confirmed through current inventory studies. The existing data (assuming it meets the City of London's Data Collection Standards) may be used to supplement current field studies and provide historical context and population, species, vegetation trends, and changes over time. The use of these data to supplement or replace the need for more current inventory will be evaluated on a case-by-case basis in consultation with the City of London.

It is recommended that reputable citizen science data sources, such as iNaturalist and the Ontario Reptile & Amphibian Atlas, be reviewed when conducting a background review to supplement data obtained by the consultant team.

## Inventory Protocols

Multi-season inventories must be conducted during optimal sampling conditions and with sufficient sampling effort, such that data is of sufficient quality to assess the presence and significance of natural heritage features and functions. Optimal sampling conditions and the necessary sampling effort differ among taxa and should be determined based on species-specific protocol recommendations and / or estimates of detection probability. Sampling design will be determined during pre-consultation using the protocols included in these guidelines. Typical timeframes, in accordance with seasonal timing windows, for various, inventory types include, but are not limited to, the following:

### 1. Early Spring (late March/early April)

- Amphibians

### 2. Spring (late April – May)

- Amphibians, Reptiles, Vascular Plants, Vegetation Communities, Breeding Birds (May)

### 3. Early Summer (June)

- Amphibians, Breeding Birds, Mammals (including Bat acoustic surveys), Vascular Plants, Vegetation Communities, Aquatic Communities and Habitat, Butterfly and Insect Monitoring

### 4. Summer (early July/early August)

- Vegetation Communities, Significant Wildlife Habitat, Vascular Plants, Butterflies and Insects

### 5. Fall (September-October)

- Migratory Birds Vascular Plants, Vegetation Communities Reptiles, Mammals, Butterflies and Insects

### 6. Winter (November-February)

- Bat Leaf off surveys, Winter wildlife surveys



An outline of the comprehensive inventory protocols for species occurring in the study area and adjacent lands must be conducted by qualified professionals in the appropriate seasons as described below. When applicable, Provincial species-specific protocols should be used to document SAR. New and emerging techniques not listed below may be considered and / or required as determined in consultation with the City of London and other applicable agencies to ensure robust and accurate inventory results.

- 1. *Vegetation Communities*** A survey of vegetation community types should be undertaken during the main growing season, preferably over three different seasons, spring, summer and fall (generally during the period late May to early September). Community description should follow the Ecological Land Classification (ELC) for southern Ontario (Lee *et al.*, 1998) to Vegetation Community Type, or contain an equivalent or greater level of structural and floristic detail. The report should present both a description of the communities and vegetation maps superimposed on an air photo or a base map of scale 1:5 000 that shows contours and water courses.

For each community type the following technical information should be included:

- A full list of vascular plant species present and an indication of their abundance.
  - An assessment of soil type(s), drainage regime and moisture regime.
  - An identification of the ELC Class, Series, Ecosite, Vegetation Type (Lee *et al.*, 1998).
  - The element ranking for each ELC Vegetation Type (Bakowsky, 1997).
  - An annotated assessment of community condition through the calculation of the Floristic Quality Index (Oldham *et al.*, 1995) or another current, equivalent community assessment method including the number of native species, number of non-native species, number of conservative species (conservatism coefficient  $\geq 7$ ), mean conservatism coefficient of native species, and sum of weediness scores.
  - A summary of tree species, with age and / or size class distribution, including basal area by size class.
  - Other indications of community condition including amount of decayed coarse woody debris.
- 2. *Vascular Plants***
    - A survey of vascular plants should be carried out during April-May for spring ephemerals, June-August to capture summer flowering periods and September-October to capture fall flower periods. Surveys should have regard to weather variability in a given year.
    - Locations of globally, nationally, provincially and regionally rare vascular plant species should be mapped, and the extent of habitat for each species outlined. Recommendations should be made for additional protection of rare species.
    - Nationally rare species as listed in the NHIC website; species with a global rank (G-rank) for G1 to G3 (Oldham and Brinker, 2009; NHIC website), or with a COSEWIC status of Endangered, Threatened, or Special Concern.
    - Provincially rare species are those listed with a sub-national rank (S-rank) of S1 to S3 (NHIC website) and MNRF SAR in Ontario (Bowman, 1996) and COSSARO.
    - Regional rarity status should be assessed using Oldham and Brinker (2009), Oldham (2017), or from the best available information.

3. **Breeding birds** – Breeding and migratory bird surveys should be conducted as follows:

- Main breeding season surveys as outlined by Cadman *et al.* (1998): a minimum of two surveys, at least a ten days apart, between May 24-July 10. The first survey should take place May 24 – June 17, and the second June 15 – July 10.
  - Surveys to occur 5:00 to 10:00 a.m. for breeding bird survey (Cadman *et al.*, 1998)
  - Time of day and weather conditions consistent with the Ontario Breeding Bird Atlas participant's guide (OBBA, 2001).
  - Line transects, point counts or a combination of both are acceptable so long as all areas receive coverage. (See Bibby *et al.*, 2000 for bird census techniques).
- Where habitat is suitable, dusk and night visits to survey for crepuscular species (e.g., American Woodcock, Common Nighthawk) in accordance with standardized protocols as outlined in OBBA (2001).
- Nocturnal owl surveys usually consist of two surveys in the spring and should be conducted in accordance with the OBBA Standardized Owl Survey Protocol (OBBA, 2002).
- Where suitable, marsh breeding bird surveys should be conducted in accordance with Marsh Breeding Bird Program standard survey techniques (BSC, 2009b).
- Where candidate Raptor Wintering Areas are identified, winter raptor surveys should be conducted to confirm SWH in accordance with the Bird and Bird Habitats: Guidelines for Windpower Projects (MNRF, 2015a; MNRF, 2021).
- Field data (such as breeding evidence, behaviours, SAR occurrences) should be collected and documented in accordance with standard protocols as above, included in mapping (i.e., aerial photography), and following standard terminology (e.g., codes, symbols; OBBA, 2001; Forest Breeding Bird Survey, 2008).

4. **Herpetofauna**

- Surveys for newts and mole salamanders, where required, should be conducted during seasonal migration (mid March – late April) and may include a combination of minnow traps, visual surveys (e.g., carefully flipping suitable cover, observing vernal pool egg masses), pitfall or funnel traps, or fine mesh dip nets may be required as outlined in McLaren *et al.* (1998). Consultation with local experts and the MNRF is recommended for determining the timing (as surveys are highly weather dependent to capture migration) and specific survey techniques to be used based on location, species, etc.
- Surveys to confirm presence of lungless salamanders should take place in spring or fall as outlined in the Joint EMAN / Parks Canada National Monitoring Protocol for Plethodontid Salamanders (Zorn *et al.*, 2004).
- Anuran surveys consist of documenting calls and should be conducted in accordance with the standardized Bird Studies Canada's Marsh Monitoring Program protocol for amphibians (BSC, 2009a). Surveys should be conducted as close to suitable breeding sites as possible (and preferably directly adjacent) and surveyors should record direction, distance, and call codes (BSC, 2009a).
- Observational surveys are required during the spring (between March-June) when amphibians are concentrated around suitable breeding habitat in wetlands and woodlands. (MNRF, 2000b)

- Turtle surveys may consist of nesting surveys (late May – early July) in suitable nesting habitat or along gravel shoulders of roads, as well as visual encounter surveys to detect basking turtles following Ministry of Natural Resources and Forestry protocol for Blanding’s Turtle (MNRF, 2015b).
- Snake surveys may consist of the following techniques, as required:
  - Visual Encounter Surveys searches between late April and late June (Ministry of Natural Resources and Forestry Survey Protocol for Species at Risk Snakes; MNRF, 2016).
  - Hibernacula searches may be required and consist of visual encounter surveys to detect basking snakes during the first sunny, warm days in early spring.
  - Cover board surveys may be conducted where appropriate.
  - Wildlife Scientific Collector’s Authorization (under the *Fish and Wildlife Conservation Act*), along with an associated Animal Care Protocol approved by the MNRF Wildlife Care Committee, and may be required for any surveys that require handling of snakes.
  - Queensnake (*Regina septemvittata*) surveys along the Thames River may be required and should be conducted in accordance with the standard Survey Protocol for Queensnake in Ontario (MNRF, 2015c).
- Resources for identification of herpetofauna egg and larval stages should be utilized (e.g., <http://www.torontozoo.com/adoptapond/resources>)

## 5. Mammals

- Bats, SAR Bats, and Bat Habitat (SWH): Criteria from the Significant Wildlife Habitat Technical Guide (2000) should be considered to determine bat related SWH. Further, the Survey Protocol for Species at Risk Bats within Treed Habitats (MNRF, 2017b) and Bat and Bat Habitats: Guideline for Wind Power Projects (MNRF, 2011b) documents provide additional information for surveying for bats and associated habitat.
  - Surveys may include bat cavity assessments, exit surveys to confirm presence, and bat acoustic monitoring to determine species composition, etc.
  - Correspondence with the Province and the City of London may be required to determine the design and amount of surveys required.
- Other mammals (e.g., deer, badgers, moles): Surveys may be required for other mammal-related SWH or SAR mammals with appropriate methodologies determined in consultation with the Province and / or the City of London.
- Incidental mammal observations, including scat and tracks, should be recorded and included within reports. Identification resources are useful for determining mammal species present within a study area.
  - Mammal identification and Tracking Guide: <https://www.forestsontario.ca/wp-content/uploads/2016/04/Mammal-Identification-and-Tracking-Guide.pdf>

## 6. Non-target wildlife

All species incidentally observed or detected during fieldwork (e.g., Lepidoptera, Odonata, mammals, birds, herpetofauna) should be identified, recorded and integrated into report findings. As much information about the incidental wildlife should be recorded as possible including, but not limited to, species, age, photographic

evidence, location, habitat, and behaviour. Incidental observations can provide insight into the environmental conditions of the site and potential SWH.

### **7. Aquatic communities and habitats survey:**

A survey of aquatic communities and habitats should be completed at the most appropriate times for sampling various species over the course of a year and should be completed to supplement data obtained during the background review, if necessary. The scope (i.e., level of detail) and need should be determined based on agency requirements and presence of current (i.e., within the last five years) data appropriate for the particular level of study. Technical data requirements will be determined in consultation with the City of London and may include, but is not limited to the following:

#### *Fish Community Inventory*

- Fish community inventories might not be necessary if current, appropriate data are available and obtained through consultation with DFO, the Province, local Conservation Authorities and / or the City of London.
- In the event that fish community inventories are required, they should be scoped with the appropriate regulatory agency (e.g., DFO, the Province, local Conservation Authorities and / or the City of London) based on project requirements
- Assuming fish community inventories are required, presence / absence surveys should be conducted using sampling gear appropriate to the water features, time of year, and (if appropriate) species / type of fish targeted (e.g., seine, minnow traps and electrofishing)
- Dependent upon project / agency requirements, detailed data and analysis might be required, and would be identified through consultation with the appropriate regulatory agency. Data gathering and analysis might consist of the following:
  - Index of Biotic Integrity (IBI; Steedman, 1988)
  - Ontario Stream Assessment Protocol (MNRF, 2017c)

#### *Benthic Survey*

- Typically includes qualitative and quantitative sampling of benthic macroinvertebrates
- Scope and specific data analysis tools should be determined on a project specific basis with appropriate regulatory agencies
- For example: Ontario Benthos Biomonitoring Network Protocol Manual (Jones *et al.*, 2007), Canadian Aquatic Biomonitoring Network (Environment Canada, 2012).

#### *Habitat Assessment and Stream Analysis*

- Target Habitat Suitability Index (I) are habitat models developed for specific target species.
- Water chemistry (e.g., dissolved oxygen, temperature, pH, conductivity)
- Watercourse morphology (e.g., bankfull width, depth, stream order)
- Substrate composition
- Riparian (i.e., within 30 m of the bank or as per mandated project-specific protocol) and in-water cover

- Surrounding land uses (i.e., beyond the immediate riparian area)

#### **8. Significant Wildlife Habitat (SWH):**

- All candidate SWH criteria should be surveyed using current accepted methodologies;
- SWH surveys should be consistent with the current Significant Wildlife Habitat Technical Guide (MNRF, 2000b), Significant Wildlife Habitat Mitigation Support Tool (MNRF, 2014b), and the most current Ministry SWH Criteria Schedules for Ecoregion 7E (MNRF, 2015a);
- SWH surveys should be consistent with additional considerations outlined in *The London Plan – Policy 1352 - 1355*; and,

#### **9. Regionally Rare Species**

Documentation of regionally rare species should include presence absence, population size, habitat, and any other pertinent information (e.g., nesting areas, dens, etc.) and be included in mapping as appropriate population size, condition, and the significance of the site for all regionally rare species. Regional status for Middlesex County should be assessed based on the best available information including, but not limited to:

- Mammals (Dobbyn, 1994)
- Breeding birds (OBBA, 2007; current atlas updates; Partners in Flight, 2020)
- Butterflies (Holmes *et al.*, 1991; Toronto Entomologists’ Association, 2018)
- Damselflies and Dragonflies
- Herpetofauna (Oldham and Weller, 2000; Oldham, 2003; Ontario Nature, 2019)
- Vegetation (Oldham, 2017)

#### **10. Species at Risk (SAR)**

If potential suitable habitat for SAR (as listed in *O. Reg. 230/08: SPECIES AT RISK IN ONTARIO LIST*) is encountered and is not covered in the above inventory protocols, Provincial species-specific protocols (<https://www.ontario.ca/page/species-risk-guides-and-resources>) should be used in consultation with the Province and the City of London (through scoping). Targeted surveys may be required, as determined through the scoping process in consultation with the City of London and the Province, based on the presence of suitable habitat, confirmed sightings, along with the potential impacts associated with a given development or infrastructure project.

# Appendix D

## Woodland Evaluation Form

Appendix D: Woodland Evaluation Criteria

**The London Plan – Criterion 1341 1.**

The woodland contains natural features and ecological functions that are important to the environmental quality and integrity of the NHS. These include site protection (hydrology and erosion/ slope) and landscape integrity (richness, connectivity and distribution).

**The London Plan – Criterion 1341 2.**

The woodland provides important ecological functions and has an age, size, site quality, and diversity of biological communities and associated species that is uncommon for the planning area.

**The London Plan – Criterion 1341 4.**

The Woodland provides significant habitat for endangered or threatened species.

**The London Plan – Criterion 1341 5.**

The Woodland contains distinctive, unusual or high-quality natural communities or landforms.

Consistent with **The London Plan** a woodland will be considered significant if it meets either of the following evaluation scores:

- If one or more criteria meet the standard for High; or
- If five or more criteria meet the standard for Medium.

London Plan Criterion					SCORE
Criterion 1.1. – Site Protection	A) Presence of hydrological features within or contiguous with the patch.	HIGH – one (1) or more hydrological features (as described above) located within or contiguous with the patch.	MEDIUM – within 50 m of a hydrological feature.	LOW – no hydrological features present within 50 m of the patch.	High Medium Low
	B) Erosion and Slope Protection	HIGH – patch present on steep slopes >25% of any soil type, OR on a remnant slope associated with other features such as moraines or remnant valley slopes no longer continuous with the river system OR on moderate to steep slopes >10% - 25% with erodible soils (silty loam, sandy loam and loam, fine to coarse sands).	MEDIUM – patch present on moderate to steep slopes > 10% - 25% with less erodible soils (heavy clay and clay, silty clay)	LOW – Patch present on gentle slopes < 10% with any soil type.	High Medium Low
Score for <b>Criterion 1.1</b> is based on the highest standard achieved between the two measures.					

Criterion 1.2 – Landscape Integrity (Richness, Connectivity and Distribution)	D) Landscape Richness	HIGH – > 10% local vegetation cover	MEDIUM – 10% local vegetation cover	LOW – < 7% local vegetation cover.
	E) Landscape Connectivity (linkage and distance between patches not separated by permanent cultural barriers).	HIGH – patches directly connected by: A) waterways or riparian habitat (generally primary or secondary aquatic corridors and streams with bridges and/or underpasses: for example, Thames, Dingman, Medway, Stoney, Pottersburg, Kettle, Dodd, Sharon, Oxbow, Kelly, Stanton, Mud, Crumlin); B) Contiguous or semi-contiguous habitat.	MEDIUM – patches indirectly connected by: i. habitat gaps < 40 m; k. areas identified as Anti-fragmentation, Terrestrial Corridor, Big Picture Corridor ( <a href="https://caroliniancanada.ca/legacy/ConservationPrograms_BigPictureMaps.html">https://caroliniancanada.ca/legacy/ConservationPrograms_BigPictureMaps.html</a> ) to enhance the viability of isolated woodlands by re-connection, buffering, expanding OR to infill disturbed areas or replace abandoned fields (Riley & Mohr, 1994); a. abandoned rails, utility rights-of-way (hydro corridors, water/gas pipeline); b. Open space greenways and golf courses; c. Active agriculture or pasture; d. Watercourses connected by culverts; and, e. First or second order streams that exhibit channelized morphology.	LOW – patches not connected due to the presence of permanent cultural barriers: vi. major roads and highways with no culverts; vii. urban or industrial development, large parking lots; viii. infrastructure; ix. dams, buried watercourses, channelized third or greater order watercourses; and, x. active recreational land-uses (campground, parks with major facilities – community centres, arenas).
	F) Patch Distribution (isolation & arrangement of patches / patch clusters).	HIGH – patch clusters with total area > 40 ha OR identified as a Big Picture Meta Core (Carolinian Canada, 2000).	MEDIUM – patch clusters with total area 20 – 40 ha.	LOW – patch clusters with total area < 20 ha.
	Score <b>Criterion 1.2</b> based on the highest standard achieved for any one of the three standards.			
Criterion 2.1 – Age and Site Quality	C) Community Successional Stage / Seral Age	HIGH – patch contains one (1) or more mature or older growth communities	MEDIUM – patch contains one (1) or more mid-aged communities	LOW – patch contains only pioneer to young communities
	D) Mean Coefficient of Conservatism (MCC) of communities or whole patch	HIGH – one (1) or more vegetation community with an MCC ≥ 4.6; OR MCC of patch > 4.5	MEDIUM – one (1) or more vegetation community with an MCC 4.2 – 4.5; OR MCC of patch ≥ 4.0 – 4.5	LOW – all vegetation communities with an MCC < 4.2; OR MCC of patch < 4.0.
	Score <b>Criterion 2.1</b> based on the highest standard achieved between the two measures.			
Criterion 2.2 – Size and Shape	D) Patch Size	HIGH Patch > 9.0 ha in size OR patch contains a woodland >4 ha.	MEDIUM Patch 2.0 – 9.0 ha in size OR patch contains a woodland 2-4 ha.	LOW Patch < 2.0 ha in size.
	E) Patch Shape and Presence of Interior	HIGH Patch contains interior habitat that is more than 100 m from the edge OR has a Perimeter: Area ratio <1.5 m/m <sup>2</sup> .	MEDIUM Patch contains no interior habitat but has a Perimeter:Area ratio 1.5 – 3.0 m/m <sup>2</sup> .	LOW Patch contains no interior and has a Perimeter:Area ratio > 3.0 m/m <sup>2</sup>
	F) Bird Species	HIGH Patch provides breeding habitat for any three (3) or more bird species of conservation concern, including provincially rare bird species (MNRF, 2015a) or species of regional concern (Partners in Flight, 2020).	MEDIUM Patch provides breeding habitat for one (1) or two (2) bird species of conservation concern, including provincially rare bird species (MNRF, 2015a) or species of regional concern (Partners in Flight, 2020).	LOW Patch does not provide breeding habitat any bird species of conservation concern, including provincially rare bird species (MNRF, 2015a) or species of regional concern (Partners in Flight, 2020).



Score <b>Criterion 2.2</b> based on the highest standard achieved for any one of the three standards.				
<b>Criterion 2.3</b> Diversity of Communities, Landforms and Associated Species	<b>A) ELC Community Diversity</b>	<b>HIGH</b> – Patch contains 6 or more ELC Community Series	<b>MEDIUM</b> – Patch contains 3-5 ELC Community Series	<b>LOW</b> – Patch contains 1-2 ELC Community Series
	<b>B) Community and Topographic Diversity (variation and heterogeneity)</b>	<b>HIGH</b> – Patch contains three (3) or more Ecosites in one (1) Community Series OR four (4) or more Vegetation Types OR three (3) or more topographic features (e.g. tableland, rolling upland, valley slope, terrace, bottomland).	<b>MEDIUM</b> – Patch contains two (2) or more Ecosites in one Community Series OR by three (3) Vegetation Types OR two (2) topographic features, or one (1) Vegetation Type with inclusions or complexes.	<b>LOW</b> – Patch relatively homogenous; one (1) Ecosite OR one (1) to two (2) Vegetation Types on one (1) topographic feature.
	<b>C) Diversity (species and individuals) and Critical Habitat Components for Amphibians</b>	<b>HIGH</b> – three (3) or more species of amphibians present in the patch, OR one (1) species of amphibian that is abundant in one (1) or more communities; OR two (2) or more critical habitat components present in the patch.	<b>MEDIUM</b> – 1-2 species of amphibians present in the patch; OR one (1) species of amphibian that is occasional* in one (1) or more communities; OR one (1) critical habitat components present in the patch.	<b>LOW</b> – No species of amphibian present in the patch, OR no critical habitat components present in the patch.
	<b>D) Presence of Conifer Cover</b>	<b>HIGH</b> – Patch contains one or more conifer communities that are > 4.0 ha in size.	<b>MEDIUM</b> – Patch contains one or more conifer communities that are between 2.0 and 4.0 ha in size.	<b>LOW</b> – Patch contains conifer communities < 2.0 ha in size.
	<b>E) Fish Habitat Quality</b>	<b>HIGH</b> – Dissolved oxygen > 8.0 mg/L OR abundant instream woody debris and rocks and watercourse with a natural channel located within or contiguous with the patch.	<b>MEDIUM</b> – Dissolved oxygen 5.0 – 8.0 mg/L OR moderate amount of instream woody debris and rocks and portions of channelized watercourses within or contiguous with the patch.	<b>LOW</b> – Dissolved oxygen < 5.0 mg/L OR no instream woody debris and sparse structure and entire watercourse channelized within or contiguous with the patch.
Score for <b>Criterion 2.3</b> based on the highest standard achieved for any one of the five standards.				
<b>Criterion 4.1</b> – Significant habitat for endangered or threatened species.	<b>A) Species At Risk Habitat</b>	SAR habitat present or previously identified: <b>YES</b> or <b>NO</b>		
	The presence of SAR habitat will add one <b>HIGH</b> score to the overall assessment			
<b>Criterion 5.1</b> – Distinctive, unusual or high-quality communities.	<b>F) ELC Community SRANK</b>	<b>HIGH</b> – One (1) or more communities with an SRANK of S3 or lower.	<b>MEDIUM</b> – No communities with an SRANK lower than S4.	<b>LOW</b> – No communities with an SRANK lower than S5.
	<b>G) Significant Wildlife Habitat</b>	SWH habitat present or previously identified: <b>YES</b> or <b>NO</b>		
	The presence of SWH habitat will add one HIGH score to the overall assessment			
	<b>H) Rare Plant Species Presence / Absence</b>	<b>HIGH</b> – 1 Rare Plant (S1-S3) or 4 Regionally Rare plants	<b>MEDIUM</b> – 1-3 Regionally Rare plants	<b>LOW</b> – 1 Regionally Uncommon Plant
	<b>I) Size and distribution of trees</b>	<b>HIGH</b> – trees > 50 cm dbh abundant in one or more communities within the patch.	<b>MEDIUM</b> – trees > 50 cm dbh rare or occasional in one or more communities within the patch.	<b>LOW</b> – trees > 50 cm dbh not present in any communities within the patch.
	<b>J) Basal Area</b>	<b>HIGH</b> – Average basal area of trees for any community in the patch ≥ 16m <sup>2</sup> /ha for trees >25 cm DBH; OR > 24 m <sup>2</sup> /ha for trees > 10 cm DBH; OR all diameter class sizes are	<b>MEDIUM</b> – Average basal area for any community in the patch 12 – 24 m <sup>2</sup> /ha of trees >10 cm DBH; OR missing one of polewood, small, medium, or large size classes.	<b>LOW</b> – Average basal area for all communities in the patch < 12 m <sup>2</sup> /ha for

		represented in the stand (saplings < 10 cm; polewood 10-24 cm; small sawlog 26-36; medium sawlog 38-48 cm; large sawlogs 50-60 cm; x-large or veteran trees > 62 cm.		trees > 10 cm DBH; OR missing two or more of polewood, small, medium, or large size classes.	
Score for <b>Criterion 5.1</b> based on the highest standard achieved for any one of the five standards					
<b>Criterion 5.2 – Distinctive, Unusual or High-Quality Landforms</b>	<b>B) Distinctive landform types</b>	<b>HIGH</b> – Patch located on an Earth Science ANSI OR on the Beach Ridge or Sand Plain physiographic landform units.	<b>MEDIUM</b> – Patch located on the Till Plain or Till Moraine physiographic landform unit.	<b>LOW</b> – Patch is located on the Spillway physiographic landform unit.	
Score for <b>Criterion 5.2</b> based on the highest standard achieved.					
<b>Woodland Evaluation Score</b>					
<b>Significant Woodland</b>					<b>Yes/No</b>

# Appendix E

## Net Effects Table Template

## APPENDIX E - Net Effects Table Template

Through the EIS, all anticipated negative impacts should be addressed through a combination of avoidance, mitigation and compensation measures as appropriate so that the net effects are either neutral (i.e., No Net Effect = no measurable impact to the NHS is anticipated) or positive (i.e., Positive Net Effect = there is a gain in the areal extent and / or improvement to the quality of one or more NHS feature / area identified for inclusion within the NHS).

Examples of direct and indirect impacts are italicized. These are only examples and do not provide the full extent of potential impacts. Each project will require consideration of project and site-specific potential impacts.

SOURCE OF IMPACT	POTENTIAL AREAS AFFECTED & POTENTIAL EFFECTS	AVOIDANCE, MITIGATION, COMPENSATION	NET EFFECTS & RATIONALE
<b>1.0 Existing Impacts (where opportunities for net positive effects have been identified):</b>			
<i>1.1 Loss of gravel from the roadway shoulder</i>	<i>Cultural meadow (CUM) – Increased surface water runoff to the cultural meadow causing flooding, thus, reducing the viability of the habitat for various species using the habitat.</i>	<i>Regrade the roadway shoulder replace gravel and enhance with hydroseeding of a native seed mix to stabilize edge and encourage infiltration.</i>	<u><i>(+) NET POSITIVE EFFECT</i></u> <i>Regrading the roadway shoulder will reduce surface runoff and promote infiltration and minimize flooding into the cultural meadow.</i>

SOURCE OF IMPACT	POTENTIAL AREAS AFFECTED & POTENTIAL EFFECTS	AVOIDANCE, MITIGATION, COMPENSATION	NET EFFECTS & RATIONALE
1.2 Invasive weed (buckthorn) growth in forest understorey –	Deciduous forest (FOD) - Reduced plant species diversity due to competition from invasive weeds	Prepare and implement an Invasive Weed Management Plan to selectively remove buckthorn	<u>(+) NET POSITIVE EFFECT</u> Removal of invasive plants allows for native plants to colonize and increase diversity
1.3 ...			
<b>2.0 Direct Impacts:</b>			
<b>Planning &amp; Engineering Design</b>			
2.1 Housing development lots encroaching on forest community	Deciduous forest (FOD) - Removal of native vegetation within a small portion of deciduous forest along edge of the study area resulting in loss of habitat for forest birds and other wildlife.	<ol style="list-style-type: none"> <li>1) Re-design development plan to avoid loss of forest; and establish a buffer with native plantings</li> <li>2) Compensate for loss of forest habitat by filling in bays and other areas adjacent to the forest, increasing core habitat; and establish a buffer with native plantings.</li> <li>3) Proposed rear lot fencing to include no gates.</li> </ol>	<ol style="list-style-type: none"> <li>1) <u>(+) NET POSITIVE EFFECT</u> The planting of native plant species within the buffer will provide additional wildlife habitat</li> <li>2) <u>NO NET EFFECT, OR (+) NET POSITIVE EFFECT</u> Compensation may only provide equal habitat or it may provide a net environmental benefit.</li> </ol>

SOURCE OF IMPACT	POTENTIAL AREAS AFFECTED & POTENTIAL EFFECTS	AVOIDANCE, MITIGATION, COMPENSATION	NET EFFECTS & RATIONALE
2.2 Widening of an existing roadway (additional lanes & services)	Cultural meadow (CUM) – Loss of breeding and foraging habitat for Bobolink	Consult with the Province to determine permitting requirements. Identify and secure additional lands to provide for compensation of habitat loss. Plant compensation areas with native meadow seed mix. Develop plan for long-term management.	<u>(+) NET POSITIVE EFFECT</u> The planting of native plant species within the buffer will provide additional wildlife habitat
2.3 ...			
<b>Construction</b>			
2.4 Construction vehicle traffic	Wildlife from adjacent wetland, meadow marsh (MAM) and open aquatic (OAO) habitat – Injury or mortality to wildlife	Avoid injury and mortality by preparing and implementing a Wildlife Handling Protocol, providing wildlife posters for construction trailer, and training construction crews.	<u>NO NET EFFECT</u> Potential impacts to wildlife can be avoided with appropriate protocols and training.
2.5 ...			
<b>3.0 Indirect Impacts:</b>			
<b>Planning &amp; Engineering Design</b>			
3.1 Development plan increase in impervious surfaces; Stormwater management system	Moist deciduous forest (FOD) and skunk cabbage population – Reduction in groundwater discharge due to loss of infiltration.	Re-design development plan to reduce impervious surfaces. Provide greater infiltration through use of best management practises, infiltration trenches, etc.	<u>NO NET EFFECT</u> Potential impacts to groundwater dependent plant populations (i.e. skunk cabbage) can be mitigated through the use of appropriate stormwater management measures.

SOURCE OF IMPACT	POTENTIAL AREAS AFFECTED & POTENTIAL EFFECTS	AVOIDANCE, MITIGATION, COMPENSATION	NET EFFECTS & RATIONALE
	<i>Die-back and reduction of groundwater dependent skunk cabbage population.</i>		
3.2 ...			
<b>Construction</b>			
<i>3.3 Construction related runoff</i>	<i>Adjacent watercourse and swamp thicket (SWT) – Sedimentation in watercourse covering spawning habitat and or fish eggs. Habitat loss and / or reduction of fish population.</i>	<i>Installation of sediment control fencing. Regular monitoring of fencing and other protection measures.</i>	<u><b>NO NET EFFECT</b></u> <i>Proper installation of sediment control fencing can prevent deposition of fill and sedimentation. No changes to site drainage.</i>
3.4 ...			

Bill No. 42  
2022

By-law No. A-54-22\_\_\_\_\_

A by-law to amend By-law No. A-54, as amended, being "A by-law to implement an Administrative Monetary Penalty System in London".

WHEREAS section 434.1 of the Municipal Act and Section 15.4.1 of the Building Code Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System;

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54, being "A by-law to implement an Administrative Monetary Penalty System in London;"

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. A-54 with respect to contraventions of designated by-laws under the Administrative Monetary Penalty System By-Law;

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

1. That Schedule "A-1" of By-law No. A-54 be amended to include the following by-laws:

Off-Street Residential Parking By-law	PS-112;
Tree Protection By-law	C.P.-1555-252;
Boulevard Tree Protection By-law	CP-22

2. That Schedule "A-1" of By-law No. A-54 be amended by removing By-law CP-16 and replacing it with By-law CP-24;

3. That Schedule "A-2" of By-law No. A-54 be amended by removing the following columns:

"70	Park Motor Vehicle on Parking Space that does not comply with Parking Space requirements	By-law PS-112, 2.1	60
71.	Stand Motor Vehicle on Parking Space that does not comply with Parking Space requirements	By-law PS-112, 2.1	60
72.	Stop Motor Vehicle on Parking Space that does not comply with Parking Space requirements	By-law PS-112, 2.1	65
75.	Park motor vehicle in park in place other than authorized parking area	By-law PR 2, 3.1(7)	60
76.	Park motor vehicle in recreation area in place other than authorized parking area	By-law PR 2, 3.1(7)	60
77.	Park more than .3 metres from edge of roadway	9(2)	40
78.	Park motor vehicle in park between 10 pm and 6 am	By-law PR-2, 3.1(8)	60



79.	Park motor vehicle in recreation area between 10 pm and 6 am	By-law PR-2, 3.1(8)	60
80.	Park trailer for overnight accommodation	By-law PR-2, 4.1(3)	60
81.	Park motor vehicle in parking area between 10 pm and 6 am	By-law PR-2, 5.2(2)	60
82.	Park trailer in natural park area	By-law PR-2, 5.4(5)	70
83.	Park trailer in ESA area	By-law PR-2, 5.4(5)	70"

4. That Schedule "A-17" of By-law A-54 be amended by adding the penalties attached to this by-law as Schedule A;
5. That the attached Schedules "A-23", "A-24", and "A-25" be added to By-law No. A-54 to provide for a penalty schedules;
6. That the definition of "Administrative Penalty" be amended to add "A-23" through to "A-25" after "A-22";
7. That section 2.1 be amended to add "A-23" through to "A-25" after "A-22";
8. That section 3.1 be amended to add "A-23" through to "A-25" after "A-22";
9. That section 3.1a) be amended to add "A-23" through to "A-25" after "A-22";
10. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021.  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

**SCHEDULE A**  
Added Penalties to schedule "A-17"

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
147	Park motor vehicle in park in place other than authorized parking area	3.1(7)	60
148	Park motor vehicle in recreation area in place other than authorized parking area	3.1(8)	60
149	Park more than .3 metres from edge of roadway	3.1(8)	40
150	Park motor vehicle in park between 10 pm and 6 am	3.1(8)	60
151	Park motor vehicle in recreation area between 10 pm and 6 am	3.1(8)	60
152	Park trailer for overnight accommodation	4.1(3)	60
153	Park motor vehicle in parking area between 10 pm and 6 am	3.1(8)	60
153	Park trailer in natural park area	5.4(5)	70
155	Park trailer in ESA area	5.4(5)	70

**Schedule “A-23”**  
**Administrative Monetary Penalty System By-law**  
**Penalty Schedule for Off-Street Parking By-law**

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.

2. Column 2 in the following table set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.

3. Column 4 in the following table set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	Park Motor Vehicle on Parking Space that does not comply with Parking Space requirements	2.1	60
2	Stand Motor Vehicle on Parking Space that does not comply with Parking Space requirements	2.1	60
3	Stop Motor Vehicle on Parking Space that does not comply with Parking Space requirements	2.1	65

**Schedule "A-24"**  
**Administrative Monetary Penalty System By-law**  
**Penalty Schedule for Tree Protection By-law**

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.

2. Column 2 in the following table set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.

3. Column 4 in the following table set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	Injure Tree within Tree Protection Area without Permit	6.1	750
2	Destroy Tree within Tree Protection Area without Permit	6.1	1000
3	Injure Distinctive Tree without Permit	6.2	750
4	Destroy Distinctive Tree without Permit	6.2	1000
5	Injure Tree not in accordance with Permit conditions	6.3	750
6	Destroy Tree not in accordance with Permit conditions	6.3	750
7	Fail to protect Tree in accordance with Permit conditions	6.4	750
8	Fail to comply with Permit conditions	6.5	1000
9	Fail to comply with Order to Discontinue Activity	6.6	1000
10	Fail to comply with Work Order	6.6	1000

**Schedule “A-25”**  
**Administrative Monetary Penalty System By-law**  
**Penalty Schedule for Boulevard Tree Protection By-law**

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.

2. Column 2 in the following table set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.

3. Column 4 in the following table set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	Plant Tree on Boulevard without written permission	5.1	500
2	Cause Tree to be planted on Boulevard without permission	5.1	500
3	Injure Tree on Boulevard without written permission	5.2	1000
4	Destroy Tree on Boulevard without written permission	5.2	1000
5	Attach object to Tree on Boulevard that injures Tree without written permission	5.3	750
6	Undertake work on Boulevard that injures tree without written permission	5.4	1000
7	Obstruct Managing Director in discharge of duties	5.5	1000
8	Attempt to obstruct Managing Director in discharge of duties	5.5	1000
9	Fail to comply with order to discontinue activity	5.6	1000

Bill No. 43  
2022

By-law No. C.P.-1284( )-

A by-law to amend the Official Plan for the City of London, 1989 relating to 506 Oxford Street East

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

1. Amendment No. \_\_\_\_ to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on December 21, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 10.1.3. of the Official Plan for the City of London Planning Area – 1989 to permit a pharmacy use at 506 Oxford St East with a maximum gross floor area of 84 square metres.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 506 Oxford Street East in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the PPS and complies with the policies of the 1989 Official Plan and The London Plan.

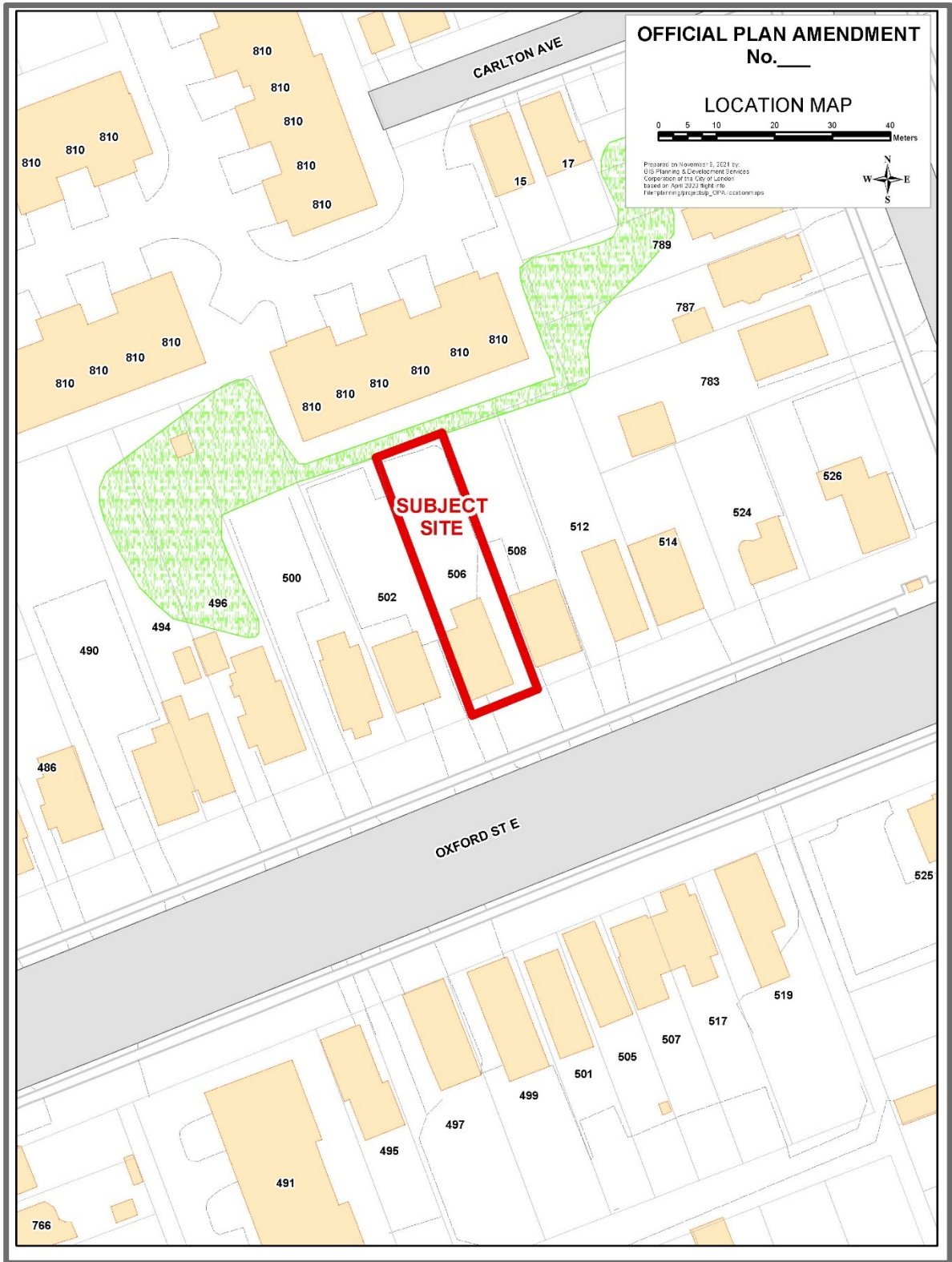
D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

Section 10 – Policies for Specific Areas

506 Oxford Street East

( ) In the Multi-Family, Medium Density Residential designation located at 506 Oxford Street East, in addition to the uses permitted in the Multi-Family, Medium Density Residential designation, a pharmacy may be permitted with a maximum gross floor area of 84 square metres (904 square feet).





Bill No. 44  
2022

By-law No. C.P.-1555( )-\_\_

A by-law to amend By-law No. C.P.-1555-252,  
as amended, referred to as Tree Protection By-  
law, to amend Part 14.

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System.

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54 being "A by-law to implement an Administrative Monetary Penalty System";

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. C.P.-1555-252 with respect to contraventions of designated by-laws;

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

1. That Part 14 of the By-law be amended by adding the following new section:

"Administrative Monetary Penalty System

14.6 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty."

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

PASSED in Open Council on December 21, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

Bill No. 45  
2022

By-law No. CP-22-22\_\_\_\_\_

A by-law to amend By-law No. CP-22, as amended referred to as Boulevard Tree Protection By-law to amend Part 9.

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System.

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54 being "A by-law to implement an Administrative Monetary Penalty System";

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. CP-22 with respect to contraventions of designated by-laws;

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

1. That Part 9 of the By-law be amended by adding the following new section:

"Administrative Monetary Penalty System

9.6 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty."

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

PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

Bill No. 46  
2022

By-law No. PH-15-22\_\_\_\_\_

A by-law to amend By-law No. PH-15, as amended, referred to as Idling Control By-law, to amend Part 4.

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System.

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54 being "A by-law to implement an Administrative Monetary Penalty System";

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. PH-15 with respect to contraventions of designated by-laws;

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

1. That Part 4 of the By-law be amended by adding the following new section:

"4.7 Administrative Monetary Penalty System

Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty."

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

PASSED in Open Council on December 21, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

Bill No. 47  
2022

By-law No. PS-112-22\_\_\_\_\_

A by-law to amend By-law No. PS-112, as amended, referred to as Off-Street Residential Parking By-law, to amend Part 6.

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System.

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54 being "A by-law to implement an Administrative Monetary Penalty System";

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. PS-112 with respect to contraventions of designated by-laws;

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

1. That Part 6 of the By-law be amended by adding the following new section:

"Administrative Monetary Penalty System

6.6 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty."

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

PASSED in Open Council on December 21, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

Bill No. 48  
2022

By-law No. S.- \_\_\_\_ - \_\_\_\_

A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Borden Street and Spruce Street)

WHEREAS it is expedient to establish the lands hereinafter described as public highway;

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

1. The lands and premises hereinafter described are laid out, constituted, established and assumed as public highway as widening to Borden Street and Spruce Street, namely:

“Part of Lot 14 on Registered Plan 383(C) in the City of London and County of Middlesex, designated as Part 7 on Reference Plan 33R-21099”

2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

# LOCATION MAP



 SUBJECT LANDS

Bill No. 49  
2022

By-law No. S.- \_\_\_\_ - \_\_\_\_

A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Oxford Street East and Crumlin Sideroad)

WHEREAS it is expedient to establish the lands hereinafter described as public highway;

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

1. The lands and premises hereinafter described are laid out, constituted, established and assumed as public highway as widening to Oxford Street East and Crumlin Road, namely:

“Part of Lot 1, Concession 1, in the geographic Township of London, now in the City of London and County of Middlesex, designated as Part 1 on Reference Plan 33R-19871.”

2. This by-law comes into force and effect on the day it is passed.

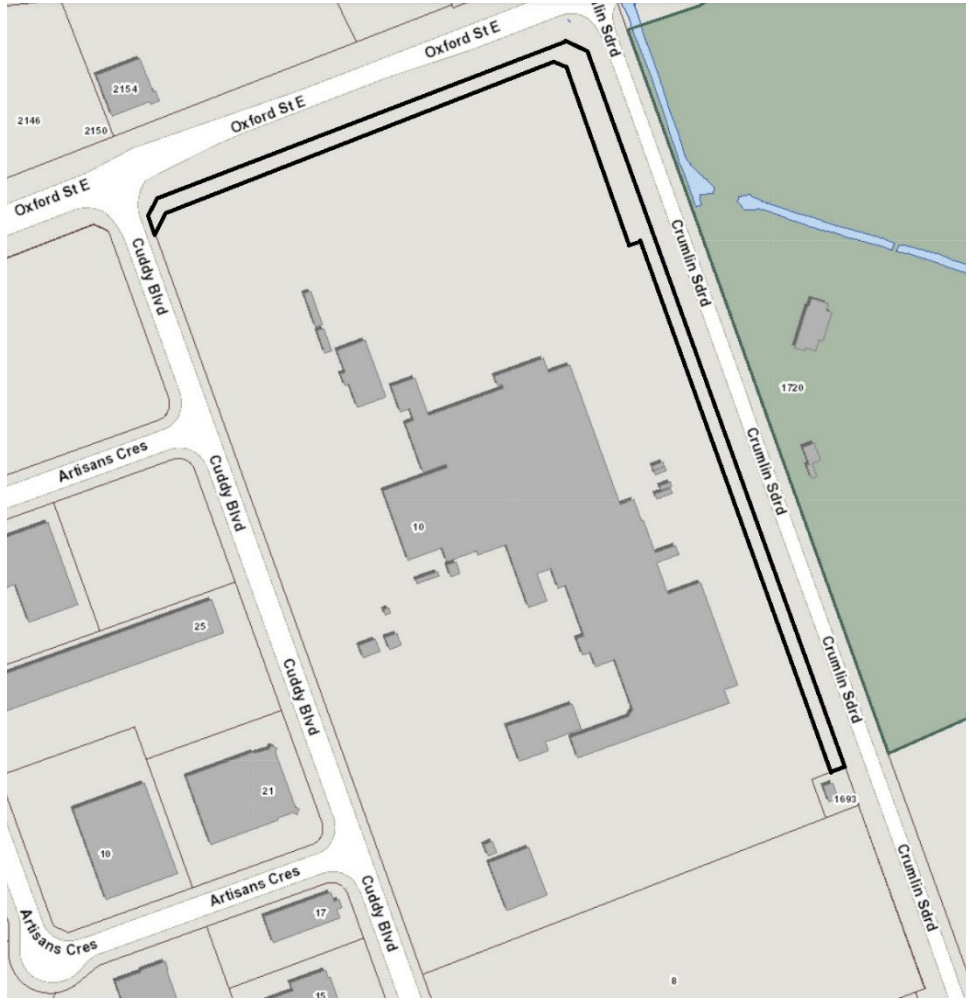
PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

# LOCATION MAP



 SUBJECT LANDS



Bill No. 50  
2022

By-law No. S.- \_\_\_\_\_ - \_\_\_\_

A by-law to assume certain works and services  
in the City of London. (Hickory Heights  
Subdivision, 33M-649)

WHEREAS the Deputy City Manager, Environment and Infrastructure of  
The Corporation of the City of London has reported that works and services have been  
constructed to their satisfaction in Hickory Heights Subdivision, 33M-649;

AND WHEREAS it is deemed expedient to assume the said works and  
services;

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

1. The Corporation of the City of London assumes the following works and  
services, namely:

Hickory Heights Subdivision, 33M-649  
Drewlo Holdings Inc.

Hickorystick Key– All;  
Hickoryridge Common – All;  
Hornbeam Gate – All;  
Franklinway Gate – All;  
Block 75 – Walkway;  
Block 77, 80 & 81 – Parkland

2. The warranty period for the works and services in the subdivision referred  
to in Section 1 of this by-law is for the period of November 25, 2021 to November 25,  
2022.

3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Barb Westlake-Power  
Deputy City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

# Assumption Limits - Hickory Heights Subdivision, Plan 33M-649



Bill No. 51  
2022

By-law No. S.-\_\_\_\_\_-\_\_\_\_

A by-law to assume certain works and services  
in the City of London. (Talbot Village  
Subdivision Phase 5, 33M-726)

WHEREAS the Deputy City Manager, Environment and Infrastructure of  
The Corporation of the City of London has reported that works and services have been  
constructed to their satisfaction in Talbot Village Subdivision Phase 5, 33M-726;

AND WHEREAS it is deemed expedient to assume the said works and  
services;

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

1. The Corporation of the City of London assumes the following works and  
services, namely:

**Talbot Village Subdivision Phase 5**  
**IBI Group**

*Crown Grant Link – All;*  
*Crown Grant Road – All;*  
*French Avenue – All;*  
*Frontier Avenue – All;*  
*Mersea Street – All;*  
*Old Garrison Boulevard – All;*  
*Storey Chase – All;*

2. The warranty period for the works and services in the subdivision referred  
to in Section 1 of this by-law is for the period of November 5, 2021 to November 5,  
2022.

3. This by-law comes into force and effect on the day it is passed.

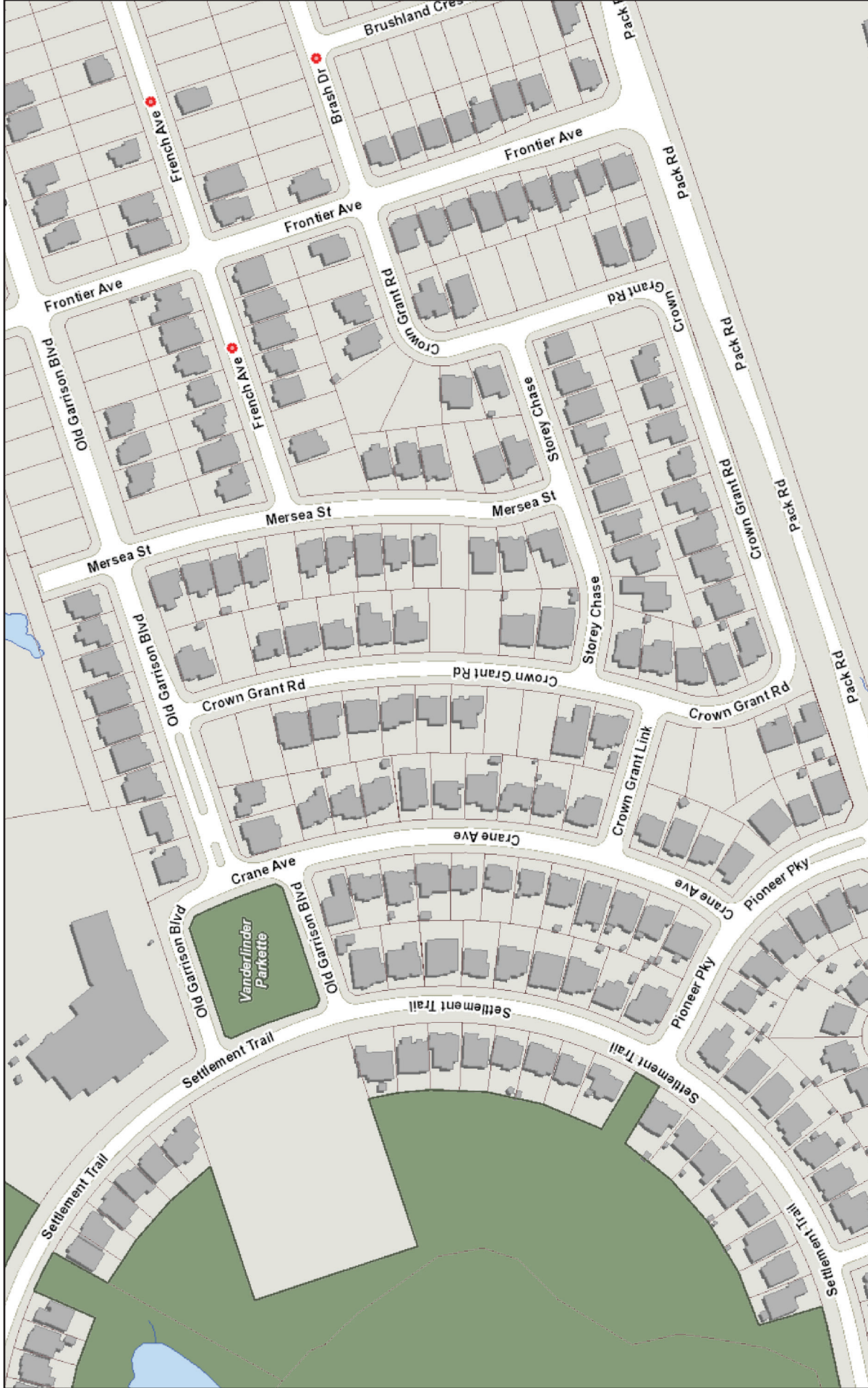
PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Barb Westlake-Power  
Deputy City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

# Assumption Limits - Talbot Village Phase 5, 33M-726



Bill No. 52  
2022

By-law No. Z.-1-222

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 355 Middleton Avenue.

WHEREAS Sifton Properties Ltd. have applied to remove the holding provision from the zoning for the lands located at 355 Middleton Avenue, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 355 Middleton Avenue, as shown on the attached map, to remove the h, h-100, and h-198 holding provision so that the zoning of the lands as a Residential Special Provision R5 (R5-4(23)) and Residential Special Provision R6 (R6-5(51)) comes into effect.
2. This By-law shall come into force and effect on the date of passage.

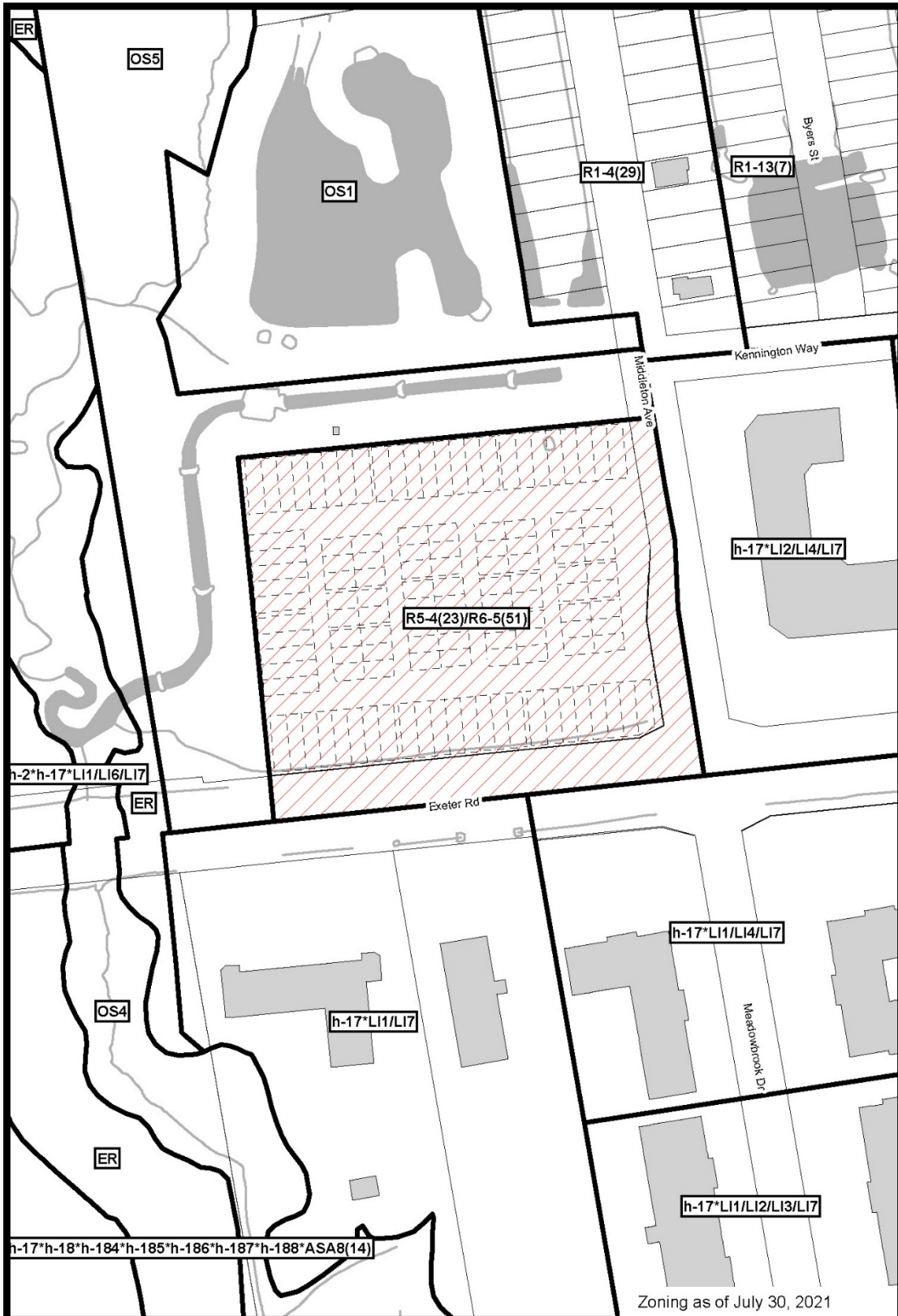
PASSED in Open Council on December 21, 2021


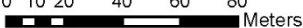

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - December 21, 2021  
Second Reading – December 21, 2021  
Third Reading - December 21, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



<p>File Number: H-9363                  Planner: MC                  Date Prepared: 2021/08/26                  Technician: rc                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p>0 10 20 40 60 80 Meters </p> <p></p>
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Geodatabase

Bill No. 53  
2022

By-law No. Z.-1-222

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 890 Upperpoint Avenue.

WHEREAS Sifton Properties Ltd. have applied to remove the holding provision from the zoning for the lands located at 890 Upperpoint Avenue, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 890 Upperpoint Avenue, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R1 (R1-4) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

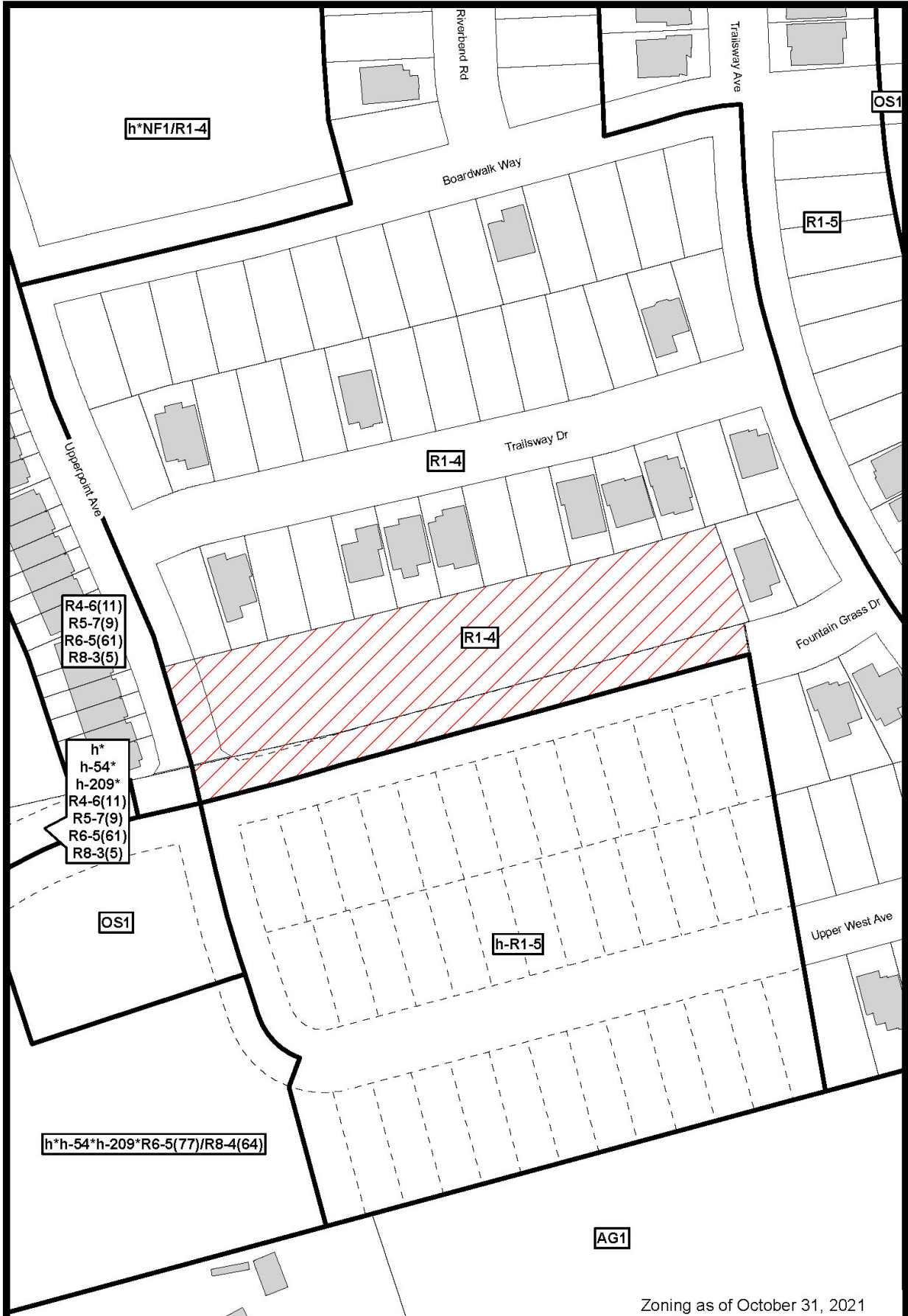
PASSED in Open Council on December 21, 2021

Ed Holder  
Mayor


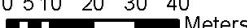

Catharine Saunders  
City Clerk

First Reading - December 21, 2021  
Second Reading - December 21, 2021  
Third Reading - December 21, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Zoning as of October 31, 2021

<p>File Number: H-9392                  Planner: MC                  Date Prepared: 2021/11/23                  Technician: RC                  By-Law No: Z.-1-</p>	<p><b>SUBJECT SITE</b> </p> <p>1:1,500</p> <p>0 5 10 20 30 40   Meters</p> <p></p>
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Bill No. 54  
2022

By-law No. Z.-1-222

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for lands located at 1478 Westdel Bourne.

WHEREAS Stantec Consulting c/o Amelia Sloan has applied to remove the holding provisions from the zoning on lands located at 1478 Westdel Bourne, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said lands;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1478 Westdel Bourne, as shown on the attached map, to remove the holding (h-54 and h-209) provisions so that the zoning of the lands as a Residential R6/R8 Special Provision (R6-5(77)/R8-4(64)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

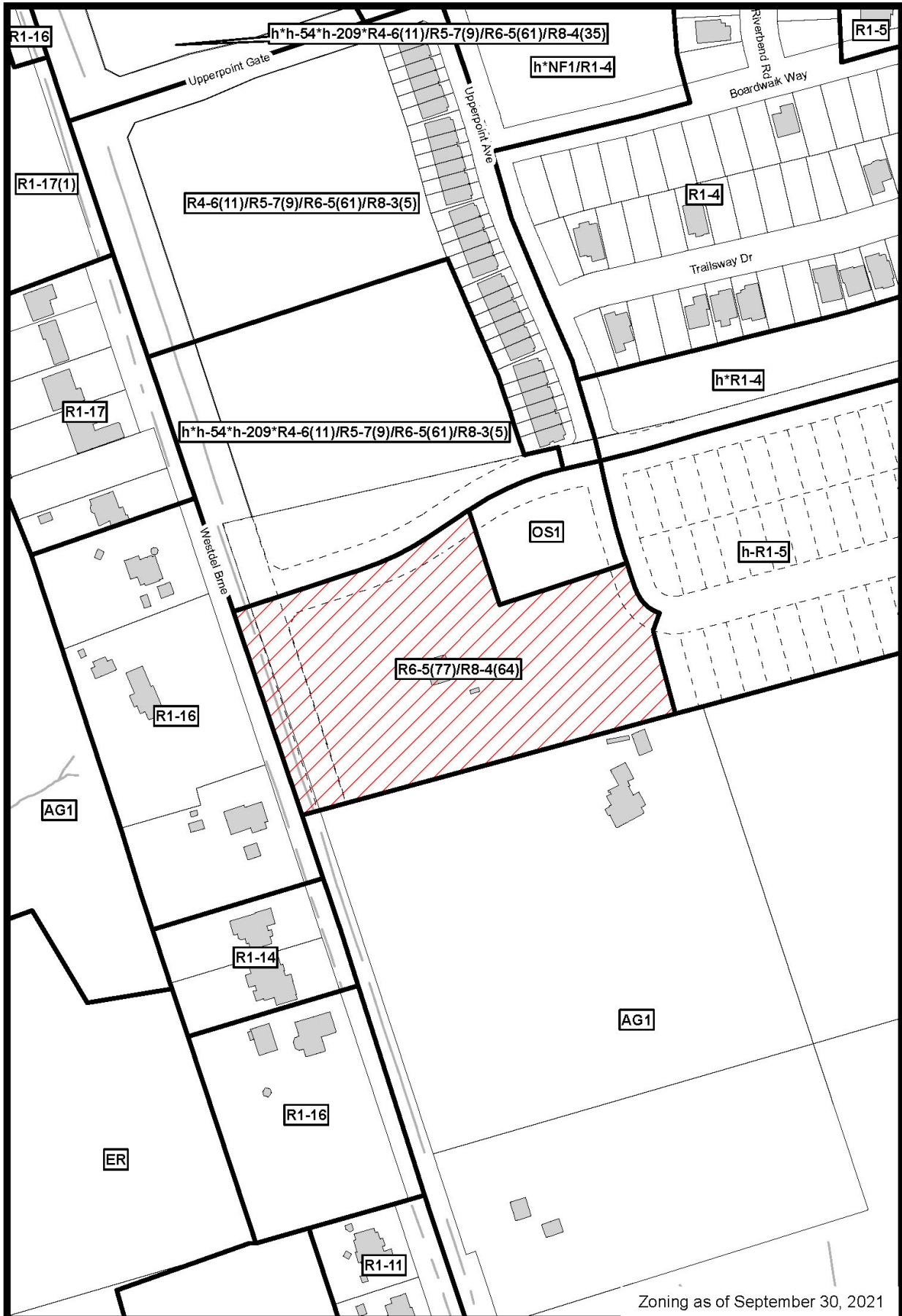
PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor



Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Zoning as of September 30, 2021

<p>File Number: H-9411                  Planner: LM                  Date Prepared: 2021/10/26                  Technician: RC                  By-Law No: Z.-1-</p>	<p><b>SUBJECT SITE</b> </p> <p>1:2,500</p> <p>0 12.525 50 75 100 Meters</p> 
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Bill No. 55  
2022

By-law No. Z.-1-222

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for lands located at 1235 Fanshawe Park Road West.

WHEREAS Calloway REIT (Fox Hollow) Inc. has applied to remove the holding provision from the zoning on lands located at 1235 Fanshawe Park Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1235 Fanshawe Park Road West, as shown on the attached map, to remove the holding (h-147) provision so that the zoning of the lands as a Residential R8 Special Provision (R8-4(39)) Zone and a Residential R8 Special Provision/Associated Shopping Area Commercial Special Provision (R8-4(40)/ASA3(10)/ASA6(4)/ASA8(5)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

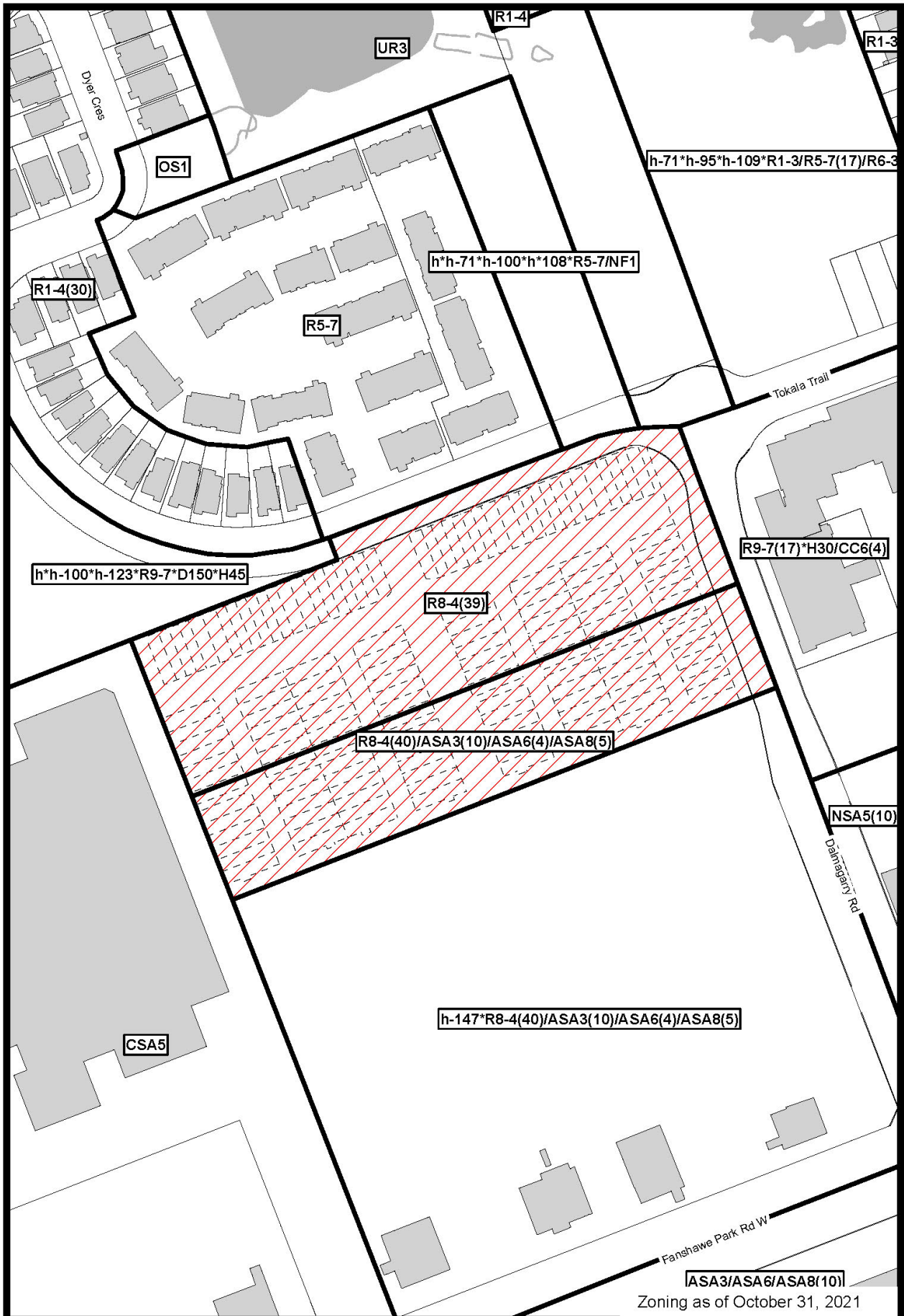
PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: H-9287

Planner: LM

Date Prepared: 2021/11/22

Technician: RC

By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Bill No. 56  
2022

By-law No. Z.-1-222

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1225 Hyde Park Road.

WHEREAS Motivity Land Inc. have applied to remove the holding provision from the zoning for the lands located at 1225 Hyde Park Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1225 Hyde Park Road, as shown on the attached map, to remove the h-17 so that the zoning of the lands as a Restricted Service Commercial RSC1, RSC3, and RSC5 Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

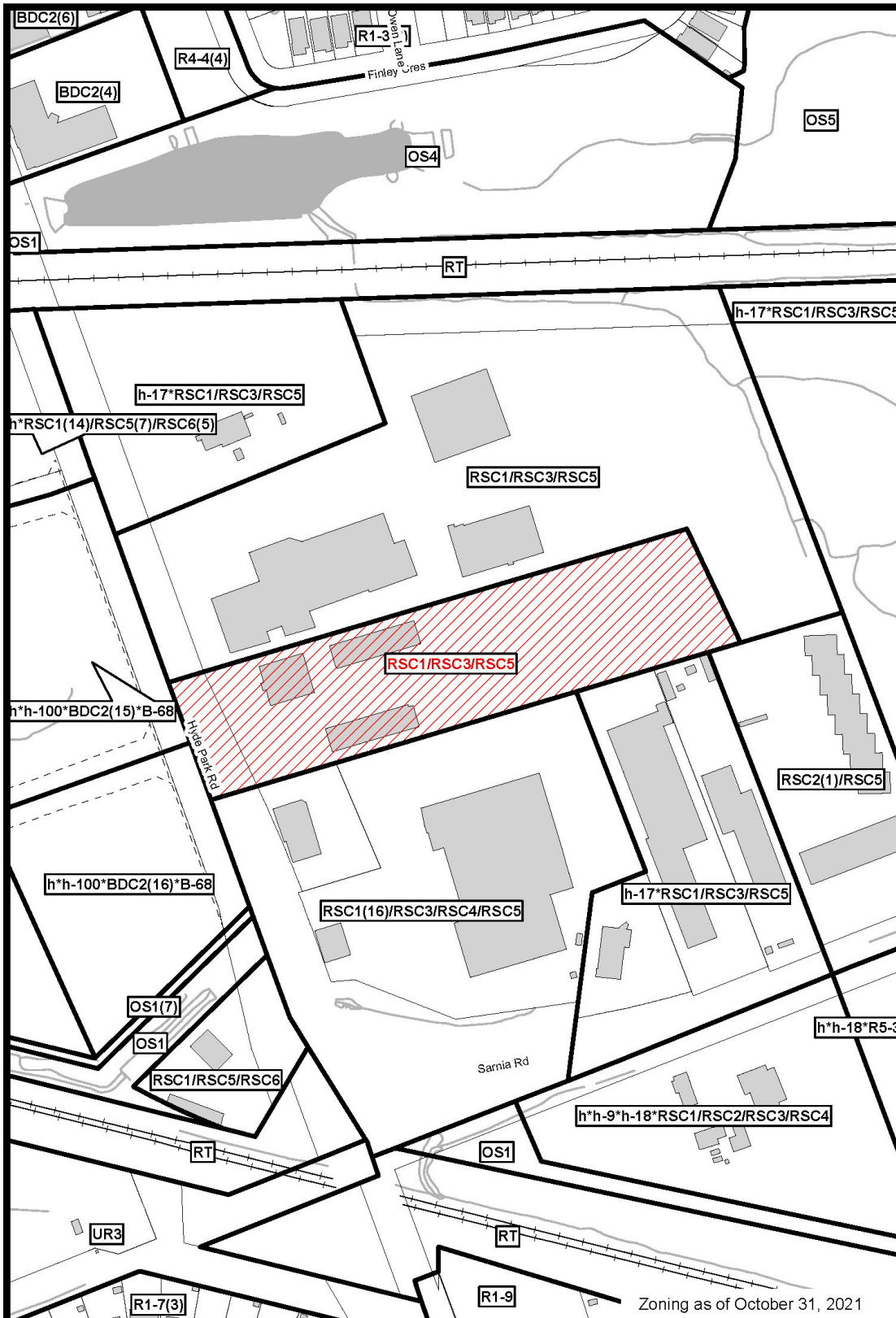
PASSED in Open Council on December 21, 2021


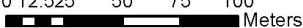

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - December 21, 2021  
Second Reading – December 21, 2021  
Third Reading - December 21, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



<p>File Number: H-9419                  Planner: AC                  Date Prepared: 2021/11/11                  Technician: RC                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 12.525 50 75 100 Meters </p> <p></p>
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Geodatabase

Bill No. 57  
2022

By-law No. Z.-1-222

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1150 Byron Baseline Road.

WHEREAS 2186121 Ontario Incorporate have applied to remove the holding provision from the zoning for the lands located at 1150 Byron Baseline Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1150 Byron Baseline Road, as shown on the attached map, to remove the h-5 and h-183 holding provision so that the zoning of the lands as a Residential R5 Special Provision (R5-7(12)) comes into effect.
2. This By-law shall come into force and effect on the date of passage.

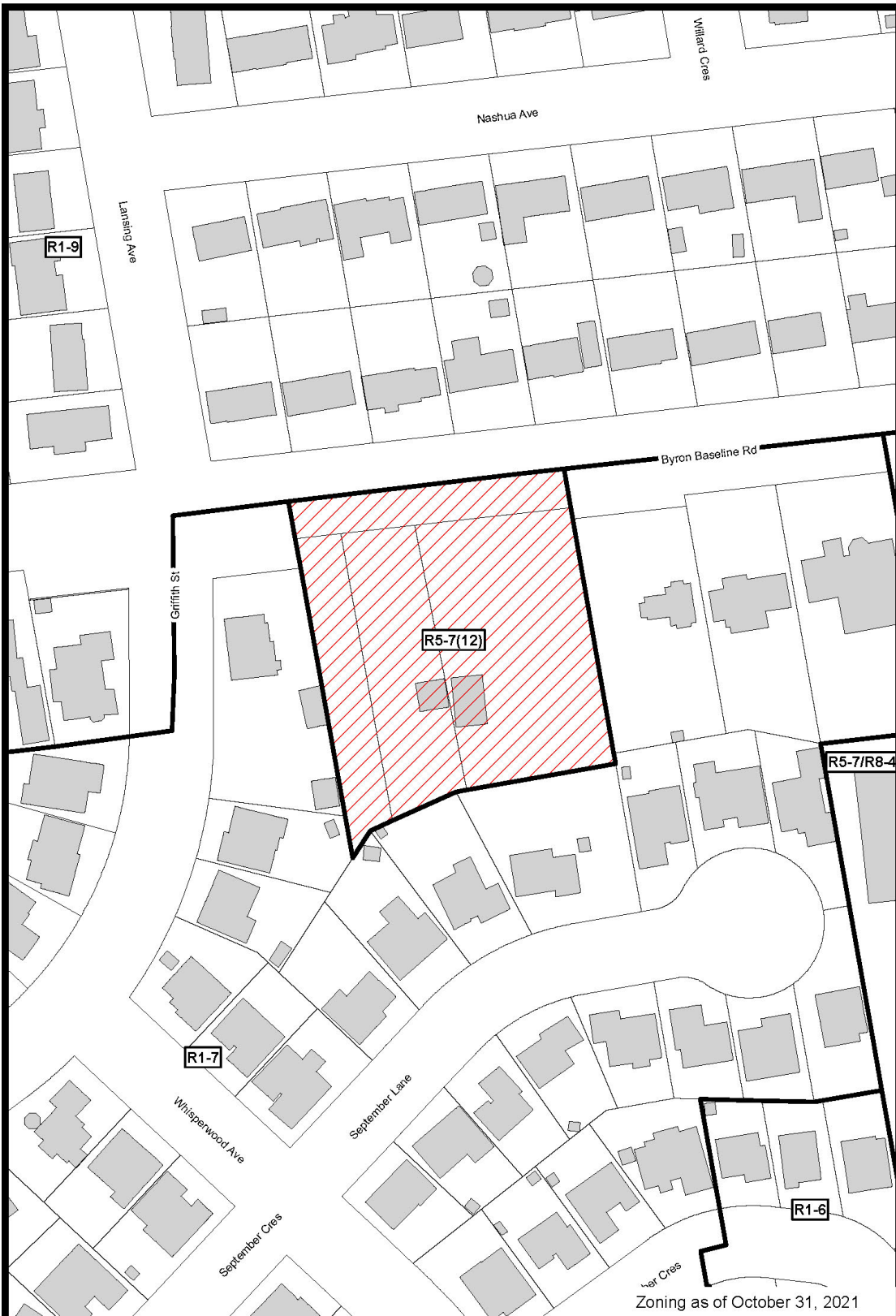
PASSED in Open Council on December 21, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - December 21, 2021  
Second Reading – December 21, 2021  
Third Reading - December 21, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)



Zoning as of October 31, 2021

File Number: H-9424  
 Planner: AC  
 Date Prepared: 2021/11/12  
 Technician: ZZ  
 By-Law No: Z-1-

SUBJECT SITE 

1:1,250

0 5 10 20 30 40 Meters



Geodatabase



Bill No. 58  
2022

By-law No. Z.-1-222

A by-law to amend By-law No. Z.-1 to rezone  
an area of land located at 876 Wellington Road

WHEREAS 1985798 Ontario Inc. has applied to rezone an area of land located at 876 Wellington Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable the lands located at 876 Wellington Road, as shown on the attached map comprising part of Key Map No. A112, from a Highway Service Commercial Special Provision (HS(1)) Zone to a Highway Service Commercial Special Provision (HS(\_)) Zone.
- 2) Section Number 27.4 a) of the Highway Service Commercial (HS) Zone is amended by adding the following Special Provision:

HS( ) 876 Wellington Road

a) Additional Permitted Uses

- i) Home Improvement and Furnishing Stores
- ii) Service Trade

b) Regulations

- |   |   |
|---|---|
| i) Lot Frontage (minimum)                     | 9.1m (29.85ft)  |
| ii) Interior Side Yard (northerly) (minimum)  | 0m (0ft)  |
| iii) Interior Side Yard (southerly) (minimum) | 0.25m (0.82ft)  |
| iv) Landscaped Open Space (minimum)           | 0%  |
| v) Parking (minimum)                          | As existing to serve all permitted uses in the building existing on the date of the passing of this bylaw |

vi) Open Storage is Prohibited

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on December 21, 2021.


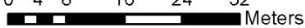

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



<p>File Number: Z-9380                  Planner: CM                  Date Prepared: 2021/11/04                  Technician: RC                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:800</p> <p>0 4 8 16 24 32 Meters </p> <p></p>
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Geodatabase

Bill No. 59  
2022

By-law No. Z.-1-222

A bylaw to amend By-law No. Z.-1 to rezone  
lands located at 4270 Lismer Lane.

WHEREAS Goldfield Limited has applied to rezone lands located at 4270 Lismer Lane, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 4270 Lismer Lane, as shown on the attached map, FROM a Holding Residential R8 (h\*h-100\*h-104\*h-198\*R8-4) Zone TO a Holding Residential R5 Special Provision and R8 (h\*h-100\*h-104\*h-198\*R5-7(\_)/R8-4) Zone.
- 2) Section Number 9.4 of the Residential R5 Zone is amended by adding the following Special Provisions:
  - ) R5-7(\_)

a) Regulations:

- |      |   |                               |
|------|---|-------------------------------|
| i)   | Lot Frontage<br>(Minimum)   | 20m (65.6ft)                  |
| ii)  | Rear Yard depth for adjacent to<br>Arterials<br>(Minimum – Maximum)                   | 4.5m (14.8ft) – 6.0m (19.7ft) |
| iii) | Interior Side Yard depth<br>(Minimum)   | 4.5m (14.8ft)                 |
| iv)  | Front Yard depth for adjacent<br>to Local Street<br>Main Building/Garage<br>(Minimum) | 3.5m (11.48ft)                |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

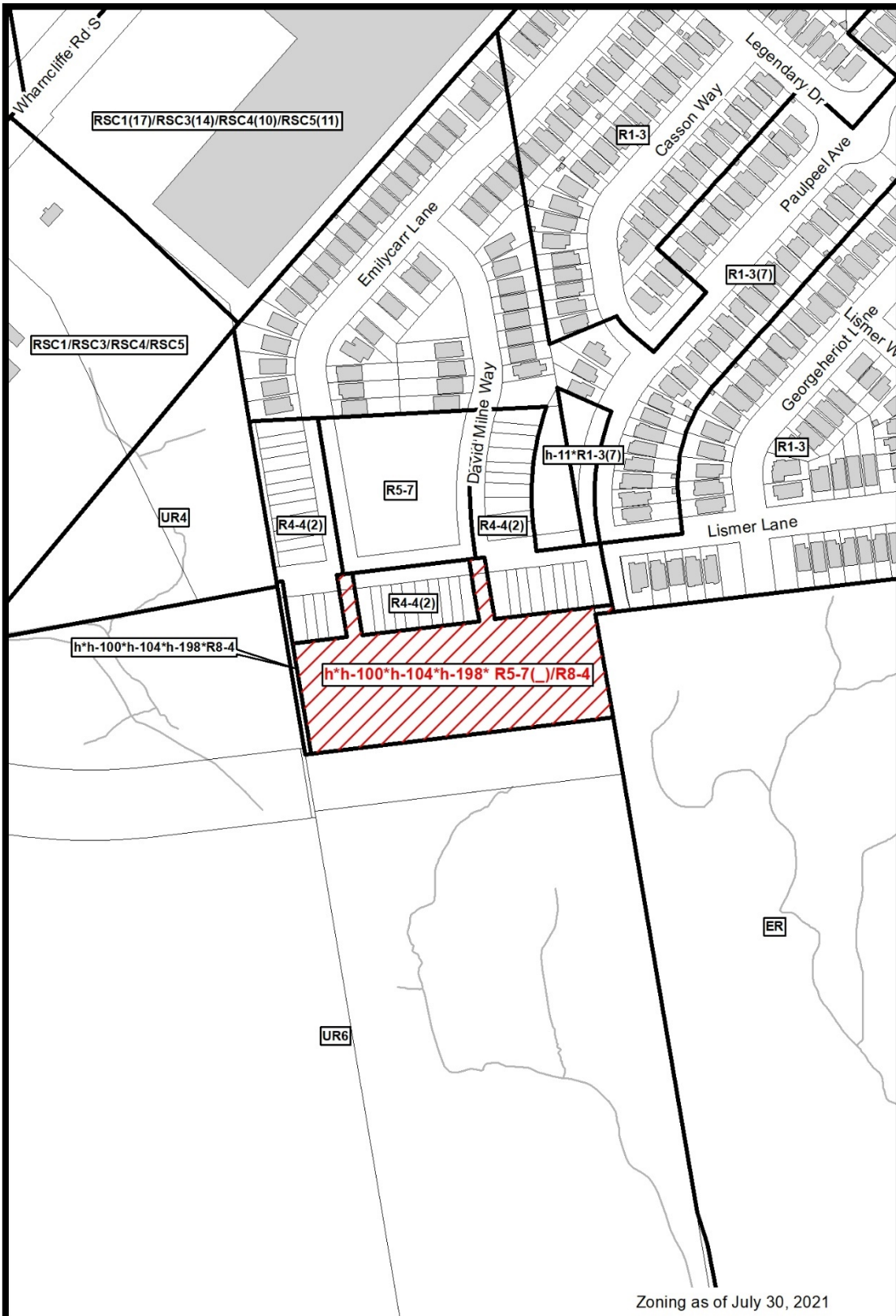
PASSED in Open Council on December 21, 2021

Ed Holder  
Mayor


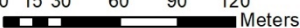

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Zoning as of July 30, 2021

<p>File Number: Z-9404                  Planner: AC                  Date Prepared: 2021/10/07                  Technician: MB                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:3,000</p> <p>0 15 30 60 90 120 Meters </p> <p></p>
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Geodatabase

Bill No. 60  
2022

By-law No. Z.-1-222

A by-law to amend By-law No. Z.-1 to rezone  
an area of land located at 1955 Jim Hebb Way.

WHEREAS Foxwood Developments (London) Inc. has applied to rezone  
an area of land located at 1955 Jim Hebb Way, as shown on the map attached to this  
by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning  
applicable to lands located at 1955 Jim Hebb Way, as shown on the attached map  
comprising part of Key Map No. A-101, from a Holding Residential R5/R6 (h\*h-  
54\*h-71\*h-100\*R5-6/R6-5) Zone, and a Holding Residential R6/R9 (h-54•R6-5/R9-  
3•H20) Zone to a Holding Residential Special Provision R5/R6 (h\*h-54\*h-71\*h-  
100\*R5-6( )/R6-5) Zone.
- 2) Section Number 9.4 of the Residential R5 Zone is amended by adding the  
following special provisions:

R5-6( )

a) Regulations:

- |      |   |                      |
|------|---|----------------------|
| i)   | Front Yard Depth<br>(Henrica Avenue)<br>Main Building/Garage<br>(Minimum) | 4.8 metres           |
| ii)  | Exterior Side Yard<br>Depth (Jim Hebb Way)<br>(Minimum)                   | 4.5 metres           |
| iii) | Yard Encroachments<br>(Maximum)   | 2.6 metres           |
| iv)  | Rear Yard Depth<br>with windows<br>(Dyer Drive)<br>(Minimum)              | 4.5 metres           |
| v)   | Density<br>(Maximum)  | 75 units per hectare |

The inclusion in this By-law of imperial measure along with metric measure is for the  
purpose of convenience only and the metric measure governs in case of any  
discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

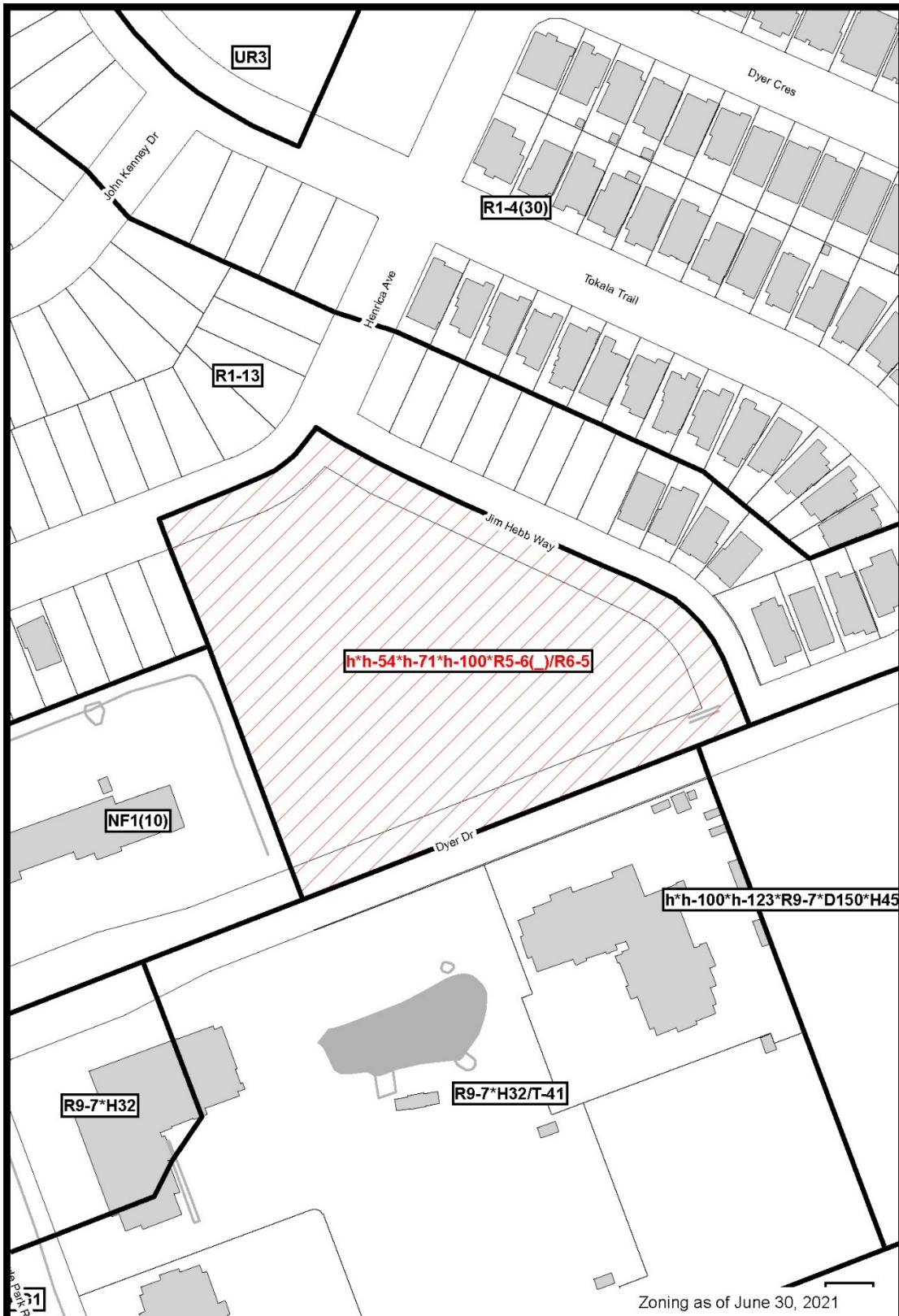
PASSED in Open Council on December 21, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

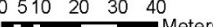
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9382  
 Planner: SM  
 Date Prepared: 2021/07/22  
 Technician: RC  
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40  
 Meters



Geodatabase



Bill No. 61  
2022

By-law No. Z.-1-222

A by-law to amend By-law No. Z.-1 to rezone  
an area of land located at 506 Oxford Street  
East

WHEREAS Sidhu McDowall Medicine Professional Corporation has applied to rezone an area of land located at 506 Oxford Street East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 506 Oxford Street East, as shown on the attached map comprising part of Key Map No. A107, from a Residential R3/Office Conversion (R3-1/OC5) Zone to a Residential R3/Office Conversion Special Provision (R3-1/OC5( ) zone;.
- 2) Section 17.2 (Permitted Uses) of the Office Conversion Zone is amended by adding the following:

OC5( ) 506 Oxford Street East

a. Additional Permitted Use:

i) Pharmacy

b. Regulations:

i)	Yard Depth (min.)	2.3 m
ii)	Interior Yard Depth (min.)	1.2 m
iii)	Lot Coverage % (max.)	16 %
iv)	Landscaped Area (min.)	2 %
v)	Parking Area Coverage (max.)	74%
vi)	Parking Area Setback (min.)	0 m

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

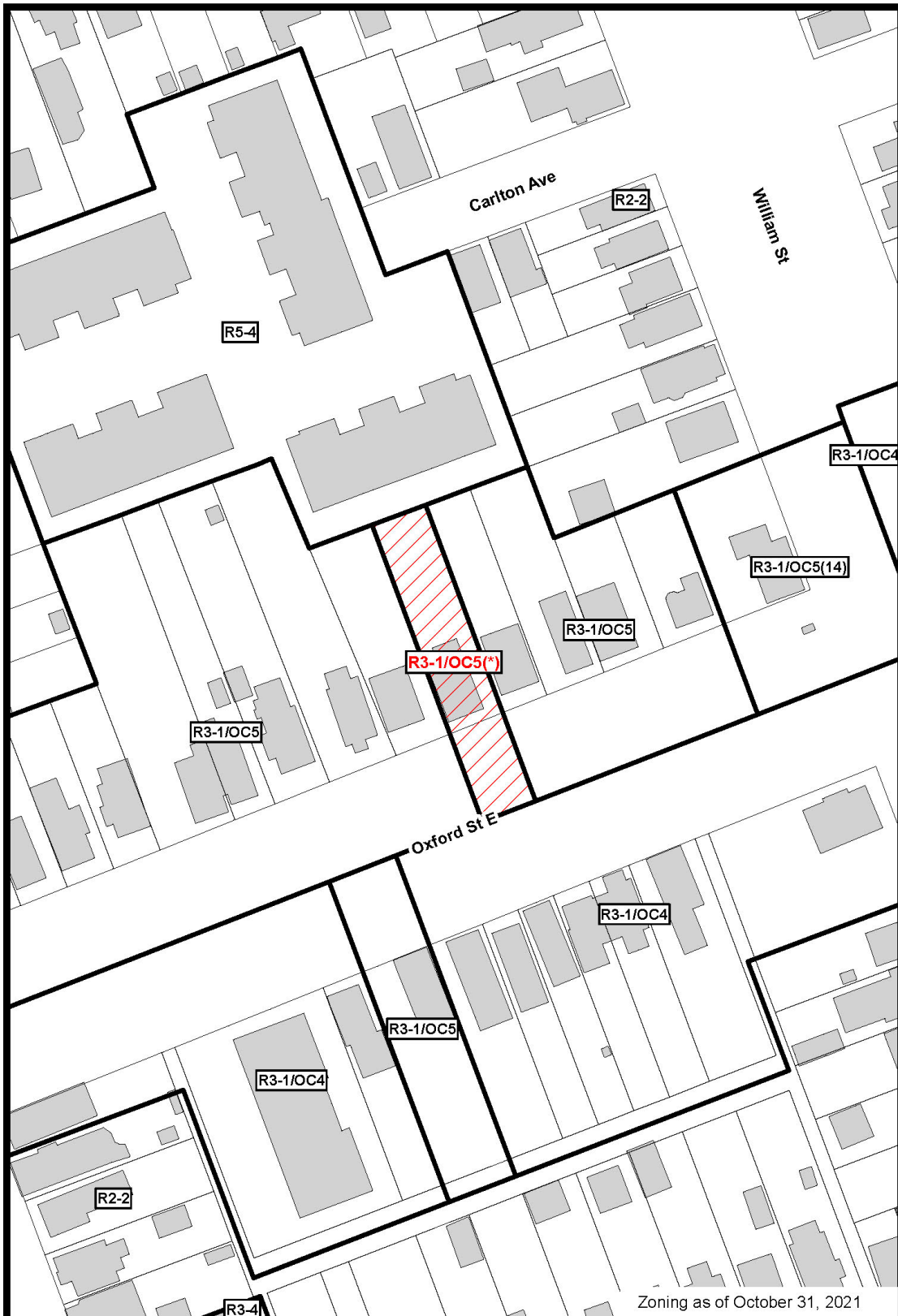
PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor


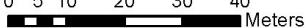

Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Zoning as of October 31, 2021

<p><b>File Number:</b> OZ-9397 <b>Planner:</b> JH <b>Date Prepared:</b> 2021/11/9 <b>Technician:</b> RC <b>By-Law No:</b> Z.-1-</p>	<p><b>SUBJECT SITE</b> </p> <p><b>1:1,000</b></p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Geodatabase

Bill No. 62  
2022

By-law No. Z.-1-222

A by-law to amend By-law No. Z.-1 to rezone  
an area of land located at 1408 Ernest Avenue.

WHEREAS Paner House Inc. has applied to rezone an area of land located at 1408 Ernest Avenue as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1408 Ernest Avenue, as shown on the attached map comprising part of Key Map No. A111, from a Restricted Office (RO2) Zone to a Residential R8 Special Provision (R8-4(\_)) Zone.
- 2) Section Number 12.4 a) of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:

R8-4(\_) 1408 Ernest Avenue

a) Regulations:

- i) Front yard setback (minimum) 4.0 metres (13.12 feet)
- ii) Interior side yard setback (minimum) 4.0 metres (13.12 feet)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on December 21, 2021.

Ed Holder  
Mayor


Catharine Saunders  
City Clerk

First Reading – December 21, 2021  
Second Reading – December 21, 2021  
Third Reading – December 21, 2021

**AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)**



**File Number: Z-9385**  
**Planner: AR**  
**Date Prepared: 2021/11/24**  
**Technician: DT**  
**By-Law No: Z.-1-**

**SUBJECT SITE** 

**1:1,250**

0 5 10 20 30 40  
Meters



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