



London  
CANADA

## Council Minutes

15th Meeting of City Council  
September 26, 2023, 1:00 PM

Present: Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, S. Hillier

Also Present: L. Livingstone, A. Barbon, M. Butlin, S. Corman, K. Dickins, S. Mathers, H. McNeely, J. Paradis, K. Scherr, M. Schulthess, J. Taylor, B. Westlake-Power

Remote attendance: M. Barnes, E. Bennett, B. Card, M. Goldrup, B. Warner

The meeting is called to order at 1:03 PM; it being noted that the following were in remote attendance Councillors P. Van Meerbergen, S. Hillier and Councillors E. Pelozza (after 4:01 PM) and D. Ferreira (after 4:01 PM).

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Recognitions

His Worship the Mayor Recognizes City of London Employees who have achieved 25 years of service during 2023.

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

None.

### 4. Council, In Closed Session

Motion made by: P. Cuddy

Seconded by: H. McAlister

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

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

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality. (6.1/16/CSC)

#### 4.2 Litigation/Potential Litigation/Solicitor-Client Privilege/Confidential Information Supplied by Canada/Province/Territory/Crown Agency of Same

A matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that

purpose; information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; 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 or local board. (6.1/13/CWC)

#### 4.3 Personal Matters / Identifiable Individual/Solicitor-Client Privileged Advice

A matter pertaining to a personal matter about an identifiable individual, including municipal or local board employees, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose, related to appointments to the London Hydro Board of Directors. (6.1/22/SPPC)

#### 4.4 Personal Matters/Identifiable Individuals

A matter pertaining to an identifiable individual(s). (6.2/22/SPPC)

#### 4.5 Personal Matters/Identifiable Individuals

A personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2024 Mayor's New Year's Honour List. (6.3/22/SPPC)

#### 4.6 Personal Matters/Identifiable Individuals

A personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2024 Mayor's New Year's Honour List. (6.1/15/PEC)

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, and D. Ferreira

Absent: (1): S. Hillier

**Motion Passed (14 to 0)**

The Council convenes, In Closed Session, from 1:19 PM to 2:00 PM.

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

### 5.1 14th Meeting held on August 29, 2023

Motion made by: P. Cuddy

Seconded by: S. Lehman

That the Minutes of the 14th Meeting held on August 29, 2023, BE APPROVED.

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

## 6. Communications and Petitions

Motion made by: E. Pelozza

Seconded by: H. McAlister

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

- 6.1 Vehicle for Hire By-law - Amendments/Information Report;
- 6.2 Council Resolution - Housing Accelerator Fund;
- 6.3 176 Piccadilly Street;
- 6.4 1364 - 1408 Hyde Park Road (OZ - 9635)

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelosa, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

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

None.

**8. Reports**

- 8.1 16th Report of the Corporate Services Committee

Motion made by: S. Lewis

That the 16th Report of the Corporate Services Committee, BE APPROVED.

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelosa, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

- 1. Disclosures of Pecuniary Interest

Motion made by: S. Lewis

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

- 2. (2.1) Contingencies/Stabilization and Risk Management Reserve Fund Rationalization Report (Relates to Bill No.'s 335, 336, 337, 338 and 339)

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken:

- a) the Contingencies/Stabilization and Risk Management Reserve Fund Rationalization Report BE RECEIVED for information; noting that reserve fund targets established in accordance with the authority provided to the City Treasurer in the Council approved Reserve and Reserve Fund Policy are presented in Appendix "B";
- b) the Contingencies/Stabilization and Risk Management Reserve Funds to be maintained, listed in Appendix "B", BE APPROVED;
- c) the Contingencies/Stabilization and Risk Management Reserve Fund proposed by-laws as appended to the staff report dated September 11, 2023 as Appendix "D" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023; and,

d) the Civic Administration BE AUTHORIZED to take all actions necessary to implement the changes outlined in the report.

**Motion Passed**

3. (2.2) Capital Asset Growth Reserve Fund Rationalization Report (Relates to Bill No.'s 340 and 341)

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken:

a) the Capital Asset Growth Reserve Fund Rationalization Report BE RECEIVED for information; noting that reserve fund targets established in accordance with the authority provided to the City Treasurer in the Council approved Reserve and Reserve Fund Policy are presented in Appendix "B";

b) the Capital Asset Growth Reserve Funds to be maintained, listed in Appendix "B", BE APPROVED;

c) the Capital Asset Growth Reserve Fund proposed by-laws appended to the staff report dated September 11, 2023 as Appendix "D" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023; and,

d) the Civic Administration BE AUTHORIZED to take all actions necessary to implement the changes outlined in the report.

**Motion Passed**

4. (2.3) SS-2023-215 - Facilities Maintenance and Operations Single Source Refrigeration Services Provider

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to the single source procurement of a Refrigeration Service provider:

a) in accordance with Section 14.4(g) of the Procurement of Goods and Services Policy, the Civic Administration BE AUTHORIZED to enter negotiations with CIMCO Refrigeration for pricing for a single source contract for one (1) year with one (1) option year for renewal to provide refrigeration services for the City of London arenas;

b) the approval in a) above, BE CONDITIONAL upon The Corporation of the City of London negotiating satisfactory prices, terms, conditions, and entering into a contract with CIMCO Refrigeration to provide preventive maintenance service and repairs to the City arena refrigeration plants; and,

c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with the authorization set out in parts a) and b) above.

**Motion Passed**

5. (2.4) RFP 2023-124 Consultant Services for City of London Vacancy Residential Property Study Award – Irregular Result

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to Request for Proposal (RFP) 2023-124 for Consultant Services for City of London Vacant Residential Property Study:

- a) the proposal for consultant services, submitted by Ernst and Young (EY), 100 Adelaide Street West, Toronto, Ontario, M5K 1J7 BE ACCEPTED in accordance with the Procurement of Goods and Services Policy;
- b) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this purchase; and,
- c) the approval hereby given BE CONDITIONAL upon the City of London (The Corporation) entering a formal contract, agreement or having a purchase order relating to the subject matter of this approval.

**Motion Passed**

6. (2.5) 2022 Annual Reporting of Lease Financing Agreements

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, the 2022 Annual Report of Lease Financing Agreements BE RECEIVED for information.

**Motion Passed**

7. (2.6) Council Policy Review - Flags at City Hall and Illumination of City of London Buildings and Amenities (Relates to Bill No.'s 346 and 347)

Motion made by: S. Lewis

That, on the recommendation of the City Clerk, the following actions be taken:

- a) the proposed by-law as appended to the staff report dated September 11, 2023 as Appendix 'A' BE INTRODUCED at the Municipal Council meeting on September 26, 2023 to amend CPOL.-114-366 being "Flags at City Hall" to repeal and replace Schedule "A", and;
- b) the proposed by-law as appended to the staff report dated September 11, 2023 as Appendix 'B' BE INTRODUCED at the Municipal Council meeting on September 26, 2023 to amend CPOL.-127-379 being "Illumination of City of London Buildings and Amenities" to repeal and replace Schedule "A".

**Motion Passed**

8. (4.1) Application - Issuance of Proclamation - Probus Month

Motion made by: S. Lewis

That based on the application dated August 15, 2023 from Probus Clubs of London; Probus Club of North London; Probus Club of South London; Mens Probus Club of London, Womens Probus Club of London, the month of October 2023 BE PROCLAIMED Probus Month.

**Motion Passed**

9. (4.2) Application - Issuance of Proclamation - Sikh Genocide Awareness Week

Motion made by: S. Lewis

That based on the application dated August 16, 2023 from the London Sikh Society, November 1 - 8, 2023 BE PROCLAIMED Sikh Genocide Awareness Week.

**Motion Passed**

10. (4.3) Application - Issuance of Proclamation - Sikh Heritage Month

Motion made by: S. Lewis

That based on the application dated August 7, 2023 from Guru Nanak Mission Society, April 2024 BE PROCLAIMED Sikh Heritage Month.

**Motion Passed**

11. (4.4) Application - Issuance of Proclamation - National British Home Child Day

Motion made by: S. Lewis

That based on the application dated August 15, 2023 from Home Child Canada, September 28, 2023 BE PROCLAIMED National British Home Child Day.

**Motion Passed**

8.2 14th Report of the Community and Protective Services Committee

Motion made by: E. Pelosa

That the 14th Report of the Community and Protective Services Committee, BE APPROVED, excluding Item 5 (4.1).

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelosa, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: E. Pelosa

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) 5th Report of the Accessibility Community Advisory Committee

Motion made by: E. Pelosa

That the 5th Report of the Accessibility Community Advisory Committee, from its meeting held on August 24, 2023, BE RECEIVED.

**Motion Passed**

3. (3.1) Business Licensing By-law Amendment to Schedule 2 Adult Entertainment Body-Rub Parlour - 609 Clarke Road (Relates to Bill No. 348)

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the revised proposed by-law appended to the staff report dated September 12, 2023 BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023, to amend By-law No. L.-131-16, being "A by-law to provide for the Licensing and Regulation of Various Businesses" to reduce the number of Adult Entertainment Body-rub Parlour Owner licences authorized under this By-law from six (6) to five (5) and to delete "Map 6 – 609 Clarke Road" from Schedule 2A of the By-law;

it being pointed out that M. Walker made a verbal presentation at the public participation meeting held in conjunction with this matter. (2023-C01)

**Motion Passed**

4. (3.2) Vehicle for Hire By-law - Amendments/Information Report (Relates to Bill No. 349)

Motion made by: E. Pelosa

That the following actions be taken with respect to the staff report, dated September 12, 2023, related to the Vehicle for Hire By-law:

a) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023, to amend By-law No. L.-130-71, being the Vehicle for Hire By-law, including increasing the vehicle age limit requirements of all zero emission vehicles and hybrid gas-electric vehicles and accessible vehicles;

b) the above-noted staff report BE RECEIVED; and,

c) the Civic Administration BE DIRECTED to report back at a future meeting of the Community and Protective Services Committee with respect to: increasing the age of gas powered vehicles in service from 10 to 12 years, report back on concerns of increasing the age

limit requirements of all zero emission vehicles, hybrid gas-electric vehicles and accessible vehicles from 12 years to 15 years and other concerns raised during the public participation meeting (ie. vehicle inspection frequency, the consideration of forming a vehicle for hire task force and an environmental scan of other municipalities related to vehicle inspection frequency, including a specific inspection schedule directly related to age of vehicle and all regulations related to the age of a vehicle;

it being noted that the communication, as appended to the Added Agenda, from K. Al Tarhuni, Mygreen Taxi, with respect to this matter, was received;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- G. Tabidi;
- F. Bander;
- K. Al Tarhuni;
- M. Abbasey;
- H. Savehilaghi;
- Paul;
- M. Wni; and,
- Y. Fekre. (2023-C01)

**Motion Passed**

6. (5.1) Request for Funding for Soil Remediation - Vision SoHo (West Block)

Motion made by: E. Pelosa

That the following actions be taken with respect to the request from members of the Vision SOHO Alliance for funding for soil remediation; it being noted that a conditional grant of \$13,876,000 was approved by Council on August 3, 2022 for the Vision SOHO Alliance to provide up to 400 affordable housing units:

a) an increase to the conditional grant BE APPROVED, with the amount of such increase to be determined by the Deputy City Manager, Planning and Economic Development and not to exceed \$3,900,000 and the approval of the increase is subject to the following conditions:

- i) the members of the Vision SOHO Alliance, working with the Deputy City Manager, Planning and Economic Development or designate to establish a final value and volume for the removal and disposal of unsuitable soils at the Zerine Development Corporation, The Chelsea Green Home Society, Homes Unlimited (London) Inc. and London Affordable Housing Foundation development sites;
- ii) the submission and approval of updated proformas from members of the Vision SOHO Alliance;
- iii) the members of the Vision SOHO Alliance commit to filling up to 50 additional units from the City's waiting lists;
- iv) the members of the Vision SOHO Alliance providing all engineering reports and/or technical analysis related to the removal and disposal of unsuitable soils for review and acceptance by the City; and,
- v) the provision of a strategy for the distribution of the funding and additional waitlist units between the Vision SOHO members;

b) subject to the conditions above, the Deputy City Manager, Planning and Economic Development BE AUTHORIZED to enter

into the previously approved Contribution Agreements with the affected members of the Vision SOHO Alliance and once the amount of the increase to the grant is determined, amend the Contribution Agreements to support the increased conditional grant as the Deputy City Manager, Planning and Economic Development deems appropriate;

c) the source of financing for this request BE APPROVED as capital project SH3000 (Municipal Housing Division's approved Roadmap to 3,000 Units funding), noting that Finance Supports confirms there is sufficient budget in this capital project to support this request, and also support the original \$13,876,000 grant, as noted in clause a), above;

it being noted that the communication, dated August 24, 2023, from G. Playford, with respect to this matter, was received. (2023-E05)

### **Motion Passed**

5. (4.1) Community and Neighbourhood Safety and Security Concerns Options for Agencies, Staff, Volunteers and those Accessing Services

Motion made by: E. Pelosa

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 September 12, 2023, related to Options to Address Safety and Security Concerns:

a) the above-noted staff report BE RECEIVED;

b) a one-time funding allocation of up to \$174,210 from the Social Services Reserve Fund for London Cares Homeless Response Services to support security services for 602 Queens Avenue and 448 Horton Street locations BE AUTHORIZED AND APPROVED;

c) the additional programs identified to support safety and security in the Old East Village area, including additional Coordinated Informed Response programming and street cleaning to be accommodated within existing Housing Stability Services budgets BE ENDORSED;

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

e) detailed services and cost breakdown for the one-time funding of \$174,210 BE PROVIDED prior to the Municipal Council meeting of September 26, 2023;

it being noted that the Community and Protective Services Committee received communications from the following individuals with respect to this matter:

- M. McMahon, Thames Valley Family Health Team;
- D. Wiseman, London Health Sciences Centre;
- B. Mitchell and L. Sibley, Canadian Mental Health Association;
- C. Lazenby, Unity Project;
- J. DeActis, The Salvation Army Centre of Hope;
- S. Courtice, London InterCommunity Health Centre;
- M. McIntosh, Regional HIV/AIDS Connection; and,
- Sister M. Ritchie, Sisters of St. Joseph. (2023-S14)

Motion made by: H. McAlister

Seconded by: D. Ferreira

That part c) of the clause BE AMENDED to read as follows:

"c) the additional programs identified to support safety and security in hotspot service request areas, including additional Coordinated Informed Response programming and street cleaning to be accommodated within existing Housing Stability Services budgets BE ENDORSED;"

Yeas: (8): H. McAlister, S. Lewis, J. Pribil, S. Trosow, A. Hopkins, S. Franke, E. Pelozza, and D. Ferreira

Nays: (7): Mayor J. Morgan, P. Cuddy, S. Stevenson, C. Rahman, S. Lehman, P. Van Meerbergen, and S. Hillier

**Motion Passed (8 to 7)**

Motion made by: E. Pelozza

Seconded by: D. Ferreira

That Item 5 (4.1), as amended, BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, and D. Ferreira

Nays: (1): S. Hillier

**Motion Passed (14 to 1)**

That Item 5 (4.1) as amended, reads as follows:

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 September 12, 2023, related to Options to Address Safety and Security Concerns:

a) the above-noted staff report BE RECEIVED;

b) a one-time funding allocation of up to \$174,210 from the Social Services Reserve Fund for London Cares Homeless Response Services to support security services for 602 Queens Avenue and 448 Horton Street locations BE AUTHORIZED AND APPROVED;

c) the additional programs identified to support safety and security in hotspot service request areas, including additional Coordinated Informed Response programming and street cleaning to be accommodated within existing Housing Stability Services budgets BE ENDORSED;

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

e) detailed services and cost breakdown for the one-time funding of \$174,210 BE PROVIDED prior to the Municipal Council meeting of September 26, 2023;

it being noted that the Community and Protective Services Committee received communications from the following individuals with respect to this matter:

- M. McMahan, Thames Valley Family Health Team;
- D. Wiseman, London Health Sciences Centre;

- B. Mitchell and L. Sibley, Canadian Mental Health Association;
- C. Lazenby, Unity Project;
- J. DeActis, The Salvation Army Centre of Hope;
- S. Courtice, London InterCommunity Health Centre;
- M. McIntosh, Regional HIV/AIDS Connection; and,
- Sister M. Ritchie, Sisters of St. Joseph. (2023-S14)

### 8.3 13th Report of the Civic Works Committee

Motion made by: C. Rahman

That the 13th Report of the Civic Works Committee, BE APPROVED.

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

#### 1. Disclosures of Pecuniary Interest

Motion made by: C. Rahman

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

#### 2. (2.1) 2024 Stormwater Management Remediation Project - Consultant Award

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated September 12, 2023, related to the 2024 Stormwater Management Remediation Project Consultant Award:

- a) AECOM Canada Ltd. BE APPOINTED consulting engineers in the amount of \$125,345.00, including contingency (excluding HST), in accordance with Section 15.2 (d) of the City of London's Procurement of Goods and Services Policy;
- b) the financing for the project BE APPROVED as set out in the Sources of Financing Report, as appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- d) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2023-E03)

**Motion Passed**

#### 3. (2.2) RFT-2023-224 Removal and Management of Hazardous & Special Products

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated September 12, 2023, related to the Request for Tender (RFT-2023-144) for the Removal and Management of Hazardous and Special Products:

- a) the tender submitted by GFL Environmental Services Inc., 203 Lottridge Street, Hamilton, Ontario, L8L 6W1, for Removal and Management of Hazardous and Special Products BE ACCEPTED at their tendered unit rates including the optional additional unit rates (excluding HST) listed in Appendix A; it being noted that this is being reported as an irregular tender result as per the Procurement of Goods and Services Policy Section 8.10 (a) as the annual estimated net cost of approximately \$360,000.00 (net of Producer Responsibility Organization funding) of the lowest compliant tender exceeds the 2023 Council approved budget amount for this service;
- b) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this work; and,
- c) the approval given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract, or having a purchase order, or contract record relating to the subject matter of this approval. (2023-E05)

**Motion Passed**

4. (2.3) SS-2023-233 Single Source Purchase of Cured In Place Pipe (CIPP) Lining Trailer

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to the staff report dated September 12, 2023, related to SS-2023-233 Single Source Purchase of Cured in Place Pipe (CIPP) Lining Trailer:

- a) approval BE GIVEN to execute a single source purchase as per section 14.4 (d) and (e) of the City of London's Procurement of Goods and Services Policy;
- b) the single source negotiated price BE ACCEPTED to purchase one 2024 Bravo Aluminum Star Cargo Trailer for a total estimated price of \$108,099.83 (excluding HST), from Bluewater Trailer Sales Ltd., 940 Wright Street, Strathroy ON N7G 3H8;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this purchase;
- d) the approval given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract or having a purchase order, or contract record relating to the subject matter of this approval in accordance with Sections 14.4(d)(e) and 14.5(a)(ii) of the Procurement of Goods and Services Policy; and,
- e) the financing for this purchase BE APPROVED as set out in the Source of Financing Report, as appended to the above-noted staff report. (2023-E09)

**Motion Passed**

5. (4.1) 9th Report of the Integrated Transportation Community Advisory Committee

Motion made by: C. Rahman

That the following actions be taken with respect to the 9th Report of the Integrated Transportation Community Advisory Committee, from its meeting held on August 16, 2023:

- a) the ~~attached~~ presentation, with respect to the Mobility Master Plan, BE RECEIVED by the Civic Works Committee for their consideration; and,
- b) the London Transit Commission BE REQUESTED to provide the following information to the Integrated Transportation Community Advisory Committee:
  - i) provision of transit services;
  - ii) current Service Plan (Conventional and Special);
  - iii) criteria of provision of transit services in new subdivisions;
  - iv) areas and subdivisions in London where no transit services are available;
  - v) zero emission bus fleet implementation and rollout plan;
  - vi) when Londoners may see the first group of zero emission buses on the roads; and,
  - vii) how many buses and which routes will be used in the pilot project; and,
- c) clauses 1.1, 3.1, 3.2, 3.3 and 3.4 BE APPROVED.  
it being noted that the delegation request from R. Buchal with respect to this matter, was received.

**Motion Passed**

8.4 22nd Report of the Strategic Priorities and Policy Committee

At 2:42 PM, His Worship Mayor Morgan places Councillor S. Lehman in the Chair.

At 2:45 PM, His Worship Mayor Morgan resumes the Chair.

At 2:46 PM, His Worship Mayor Morgan places Councillor S. Lehman in the Chair.

At 2:48 PM, His Worship Mayor Morgan resumes the Chair.

Motion made by: S. Lewis

That the 22nd Report of the Strategic Priorities and Policy Committee BE APPROVED, excluding Item 10 (5.1).

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: S. Lewis

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.3) 4th Report of the Governance Working Group

Motion made by: S. Lewis

That the following actions be taken with respect to the 4th Report of the Governance Working Group from its meeting held on August 28, 2023: a) the City Clerk BE DIRECTED to undertake the following with respect to the Electronic (Remote) Participation of Members of Council at Council and Standing Committee Meetings: i) report back to the next Governance Working Group with an additional draft policy that incorporates additional edits, including the following:

A) the requirement to have cameras active; B) specific requirements for confidential participation including cameras and headset usage; C) clarification of the expectation for voting Members to attend meetings in person, rather than remote participation; requirement for voting Members to provide advance notice to the City Clerk and Chair of the committee, including reasons for remote participation; D) consideration of a threshold for in person attendance at meetings;

ii) a draft administrative policy, for the information of Council, with respect to the participation of staff and the public for hybrid meetings; b) the matter of a Ward Boundary Review BE REFERRED back to the Civic Administration in order to report back to a special meeting of the Governance Working Group, to be scheduled the week of September 11, with respect to a revised Terms of Reference to support the various options, as outlined in the report dated August 28, 2023, including consideration of future growth with the intent that any ward boundary changes will be relevant for the next three elections, inclusive of student population data and additional data points that may be applicable, as well as additional detail related to deliverables; c) clauses 1.1 and 5.1 BE RECEIVED for information.

Motion

**Motion Passed**

3. (2.4) 6th Report of the Diversity, Inclusion and Anti-Oppression Community Advisory Committee

Motion made by: S. Lewis

That the 6th Report of the Diversity, Inclusion and Anti-Oppression Community Advisory Committee, from its meeting held on August 10, 2023 BE RECEIVED for information.

**Motion Passed**

4. (2.5) Education and Training Session Special Meeting

Motion made by: S. Lewis

That, the following actions be taken with respect to an education and training session with the Integrity Commissioner for the City of London:

a) that pursuant to section 2.6 of the Council Procedure By-law, a change in meeting location from Council Chambers to the Civic Gardens Complex on September 28, 2023 from 10:00 AM to 2:00 PM BE APPROVED; and

b) that the Municipal Council convene In Closed Session pursuant to s.239(3.1) of the Municipal Act, 2001 for the specific purpose of Council Member training and education by the Integrity Commissioner for the Corporation of the City of London, on September 28, 2023, at the location and time noted in clause a).

**Motion Passed**

5. (2.6) London's Approved Housing Accelerator Fund

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the report BE RECEIVED for information.

**Motion Passed**

6. (4.1) City Manager, Recruitment and Selection Process

Motion made by: S. Lewis

That, in consultation with the Mayor, and on the recommendation of the Deputy City Manager, Enterprise Supports and Director, People Services, the following actions be taken with respect to the City Manager recruitment and selection process:

a) the staff reported dated September 19, 2023, related to the City Manager recruitment and selection process, BE RECEIVED for information;

b) the Recruitment and Selection Plan for the new City Manager contained in the above-noted report, BE ENDORSED; and

c) that the following Council Members BE APPOINTED to the Recruitment and Selection Committee:

Councillor Lewis  
Councillor Rahman  
Councillor Pribil  
Councillor Stevenson  
Councillor Lehman  
Mayor Morgan

it being noted that the Strategic Priorities and Policy Committee will be interviewing candidates before Council endorsement.

**Motion Passed**

7. (4.2) Consideration of Appointment to the London and Middlesex Community Housing Board of Directors (Requires 1 Member)

Motion made by: S. Lewis

That the following actions be taken with respect to the appointment to the London and Middlesex Community Housing Board of Directors:

a) Kathleen Savoy BE APPOINTED to the London and Middlesex Community Housing Board of Directors as a Second Class Tenant Member for the term ending December 31, 2024; and,

b) the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023, to ratify and confirm the Resolution of the Shareholder of the London and Middlesex Community Housing;

it being noted that the Strategic Priorities and Policy Committee received a communication dated September 1, 2023 from Councillor H. McAlister, Board of Directors, London and Middlesex Community Housing with respect to this matter.

**Motion Passed**

8. (2.1) Development Charge Exemptions and Discounts

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports the following actions be taken:

a) the report, entitled, 'Development Charge Exemptions and Discounts BE RECEIVED for information;

b) the Civic Administration BE DIRECTED to incorporate funding requirements associated with statutory development charge exemptions and discounts into the 2024-2027 Multi-Year Budget, it being noted that adjustments may be made through the Annual Budget Update process as more experience is gained, including adjusting for any Provincial funding should it be received; and

c) the Mayor and Councillor Hopkins will continue advocacy on this matter through both AMO and OBCM.

it being noted that the communication as appended to the Added Agenda, from C. Butler, with respect to this matter, was received.

**Motion Passed**

9. (2.2) Municipal Accommodation Tax - Tourism London Annual Report

Motion made by: S. Lewis

That on the recommendation of the Deputy City Manager, Planning and Economic Developments, Tourism London's report on the expenditures of Municipal Accommodation Tax revenues BE RECEIVED for information.

**Motion Passed**

11. (5.2) Proposed London Hydro and Newco Affiliate

Motion made by: S. Lewis

That, on the recommendation of the City Manager with the concurrence of the Deputy City Manager, Finance Supports and the Deputy City Manager, Legal Services, the following actions be taken:

a) the report dated September 19, 2023, titled "Proposed London Hydro and Newco Affiliate" BE RECEIVED; and,

b) no further steps BE TAKEN with respect to the incorporation of a retail affiliate for London Hydro Inc.

**Motion Passed**

12. (5.3) 5th Report of the Governance Working Group

Motion made by: S. Lewis

That the following actions be taken with respect to the 5th Report of the Governance Working Group from its meeting held on September 11, 2023:

a) the following actions be taken with respect to the 2023 Ward Boundary Review Process:

- i) the report dated September 11, 2023, entitled “2023 Ward Boundary Review Process – Terms of Reference”, BE RECEIVED for information;
  - ii) the Civic Administration BE DIRECTED to bring forward the amended Terms of Reference, with the inclusion of a target to strive for no greater than 15% population variance and consideration of ward naming conventions, for adoption at the October 17, 2023 Council meeting;
  - iii) the Civic Administration BE DIRECTED to undertake a competitive procurement process to retain an independent third-party consultant to initiate Option 1 as the preferred option of Municipal Council and under the adopted Terms of Reference for the City of London;
  - iv) that matters regarding governance and compensation be referred back to a future Governance Working Group (GWG), as related to deferred items; Remuneration of Elected Officials and Appointed Citizen Members, Training and Onboarding Process for New Council, Selection Process Policy for Appointing Members to Committees, Civic Boards, and Commissions (as it relates to Council), and it being noted that as previously directed by GWG Chair Lewis & Vice Chair Franke have been collecting data on workloads and council job description reflecting the workload, as appended to the agenda, for further deliberation and discussion; and
- b) clause 1.1 BE RECEIVED for information.

**Motion Passed**

13. (5.4) 7th Report of the Diversity, Inclusion and Anti-Oppression Community Advisory Committee

Motion made by: S. Lewis

That the 7th Report of the Diversity, Inclusion and Anti-Oppression Community Advisory Committee from its meeting held on September 14, 2023 BE RECEIVED.

**Motion Passed**

10. (5.1) Consideration of Appointments to the London Hydro Board of Directors (Requires 2 Members) (Relates to Bill No. 343)

Motion made by: S. Lewis

That the following actions be taken with respect to appointments to the London Hydro Board of Directors:

a) Tim Watson and Tracy Gustafson BE APPOINTED to the London Hydro Board of Directors as First Class Members for the term ending the close of the annual meeting of the shareholders to be held in 2025 for the financial year ending December 31, 2024; and,

b) the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023, to ratify and confirm the Resolution of the Shareholder of London Hydro Inc.

Yeas: (12): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, J. Pribil, C. Rahman, S. Lehman, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Nays: (3): S. Stevenson, S. Trosow, and A. Hopkins

**Motion Passed (12 to 3)**

Motion made by: S. Stevenson

Seconded by: S. Trosow

That Item 10 (5.1), Consideration of Appointments to the London Hydro Board of Directors, BE REFERRED back to the Strategic Priorities and Policy Committee for consideration.

Yeas: (4): S. Stevenson, J. Pribil, S. Trosow, and A. Hopkins

Nays: (11): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, C. Rahman, S. Lehman, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

**Motion Failed (4 to 11)**

Motion made by: S. Franke

Seconded by: E. Pelozza

That the question now be put - with respect to the referral motion on the floor.

Yeas: (11): H. McAlister, S. Lewis, P. Cuddy, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Nays: (4): Mayor J. Morgan, S. Stevenson, J. Pribil, and S. Trosow

**Motion Passed (11 to 4)**

Motion made by: S. Stevenson

With respect to the Chair's decision that Councillor S. Stevenson cannot further speak to this matter, shall the ruling of the Chair BE SUSTAINED?

Yeas: (11): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, C. Rahman, S. Lehman, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Nays: (4): S. Stevenson, J. Pribil, S. Trosow, and A. Hopkins

**Motion Passed (11 to 4)**

8.5 14th Report of the Planning and Environment Committee

Motion made by: S. Lehman

That the 14th Report of the Planning and Environment Committee, BE APPROVED, excluding Item 8 (3.4).

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: S. Lehman

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) Building Division Monthly Report - May 2023

Motion made by: S. Lehman

That the Building Division monthly report for the month of May, 2023 BE RECEIVED for information. (2023-A23)

**Motion Passed**

3. (2.2) Building Division Monthly Report - June 2023

Motion made by: S. Lehman

That the Building Division monthly report for the month of June, 2023 BE RECEIVED for information. (2023-A23)

**Motion Passed**

4. (2.3) 9th Report of the Ecological Community Advisory Committee

Motion made by: S. Lehman

That the 9th Report of the Ecological Community Advisory Committee BE RECEIVED for information. (2023-C04)

**Motion Passed**

5. (3.1) 2908 Dundas Street (Z-9627) (Relates to Bill No. 358)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, based on the application by 2908 Dundas Street Holdings Inc., relating to the property located at 2908 Dundas Street, the proposed by-law appended to the staff report dated September 11, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM a Holding Light Industrial (h-17\*LI1) Zone TO a Holding Light industrial Special Provision (h-17\*LI1/LI6(\_)) Zone;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- A. Richards, Zelinka Priamo Ltd.;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to The London Plan, including, but not limited to the Light Industrial Place Type and Key Directions; and,
- the recommended amendment facilitates the development of industrial lands within the Built Area Boundary with an appropriate form of development; and,

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

### **Motion Passed**

#### 6. (3.2) 447 Ashland Avenue (SPA23-074)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Extendicare, relating to the property located at 447 Ashland Avenue (1156 Dundas Street):

a) the Approval Authority BE ADVISED that the following issues were raised at the public meeting with respect to the application for Site Plan Approval by Extendicare, relating to the property located at 447 Ashland Avenue (1156 Dundas Street) to permit a new continuum-of-care facility:

- i) enquiring what the plan is for the empty field on Gleason Street; and,
- ii) enquiring what is proposed for the McCormick Factory as it is decaying and an eyesore; and,

b) the Approval Authority BE ADVISED that the Municipal Council supports issuing the Site Plan Application by Extendicare, relating to the property located at 447 Ashland Avenue (1156 Dundas Street);

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- E. Wittman, GSP Group; and,
- L. Longhurst;

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 growth to settlement areas and enhancing main streets;
- the proposed Site Plan conforms to The Official Plan for the City of London 216 – The London Plan and the McCormick’s Secondary Plan including but not limited to the policies of the mid-rise residential designation;
- the proposed Site Plan complies with the regulations of the Z.-1 Zoning By-law; and,
- the proposed Site Plan meets the requirements of the Site Plan Control Area By-law; and,

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

#### **Motion Passed**

7. (3.3) 1992 Fanshawe Park Road West (TZ-9636) (Relates to Bill No. 359)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, based on the application by Southside Construction Management Ltd., relating to the property located at 1992 Fanshawe Park Road West, the proposed by-law appended to the staff report dated September 11, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), by extending the Temporary Use (T-45) Zone for a period not exceeding three (3) years;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- T. Whitney, Zelinka Priamo Ltd.;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the in-force policies of The London Plan and the Farmland Place Type policies; and,
- the recommended temporary use provides the portion of the subject property used for the golf driving range the opportunity reverted back to agricultural use should the lands be required for that purpose; and,

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance,

taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

**Motion Passed**

9. (4.1) Council Resolution - Housing Accelerator Fund

Motion made by: S. Lehman

That clause b) of the Municipal Council resolution adopted at its meeting held on August 29, 2023, with respect to the Housing Accelerator Fund BE DEFERRED to a future Planning and Environment Committee meeting.

**Motion Passed**

8. (3.4) 1515 Trossacks Avenue (Z-9632) (Relates to Bill No. 360)

Motion made by: S. Lehman

That, the following actions be taken with respect to the application by Daniel Boyer c/o Polocorp Inc., relating to the property located at 1515 Trossacks Avenue:

a) 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 September 26, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM a Residential R9 (R9-3\*H21) TO a Residential R9 Special Provision (R9-3( )\*H21) Zone; and,

b) the Site Plan Approval Authority BE REQUESTED to consider the following item through the site plan process:

i) fencing and/or landscaping be provided along the perimeter of the site to ensure adequate buffering is maintained between the subject lands and adjacent residential properties;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- G. Saini, Polocorp Inc.;
- C. Melo;
- M. Zemes; and,
- E. Cartwright;

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 London Plan, including, but not limited to the Neighbourhoods Place Type and Key Directions; and,
- the recommended amendment facilitates the development of an underutilized site within the Built Area Boundary and Primary Transit Area with an appropriate form of infill development that provides choice and diversity in housing options; and,

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance,

taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Nays: (1): A. Hopkins

**Motion Passed (14 to 1)**

Motion made by: A. Hopkins  
Seconded by: S. Franke

That part b) of clause 3.4 BE AMENDED by adding the following part ii):

“ii) increased capacity in the underground parking;”

Yeas: (7): H. McAlister, C. Rahman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, and D. Ferreira

Nays: (8): Mayor J. Morgan, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, S. Lehman, and S. Hillier

**Motion Failed (7 to 8)**

#### 8.6 15th Report of the Planning and Environment Committee

Motion made by: S. Lehman

That the 15th Report of the Planning and Environment Committee, BE APPROVED, excluding Items 3 (3.2), 6 (3.5) and 7 (3.6).

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

#### 1. Disclosures of Pecuniary Interest

Motion made by: S. Lehman

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

#### 2. (3.1) 1588 Clarke Road

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, with respect to the demolition request for the heritage listed property located at 1588 Clarke Road:

a) the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the built resources on the property;

- b) the property located at 1588 Clarke Road BE REMOVED from the Register of Cultural Heritage Resources; and,
- c) the property owner BE ENCOURAGED to commemorate the historic contributions of the Tackabury family in the future development of this property;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- A. Haasen, Sifton Properties Limited;
- L. Tackabury;
- G. Tackabury;
- C. de Hart; and,
- B. Johnson;

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-R01)

**Motion Passed**

4. (3.3) 3030 Singleton Avenue (Z-9640) (Relates to Bill No. 361)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, based on the application by Schlegel Villages Incorporated, relating to the property located at 3030 Singleton Avenue, the proposed by-law appended to the staff report dated September 18, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM a Residential R5/R6/R7 (R5-5/R6-5/R7\*D100\*H30) Zone TO a Residential R5/R6/R7 Special Provision (R5-5/R6-5/ R7( )\*D100\*H30) Zone;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- B. Rosser, on behalf of Schlegel Villages Incorporated;

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 London Plan, including, but not limited to the Neighbourhoods Place Type and Key Directions; and,
- the recommended amendment facilitates an appropriate land use within a new development in the Built Area Boundary; and,

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

**Motion Passed**

5. (3.4) 1208 Fanshawe Park Road East (Z-9539) (Relates to Bill No. 362)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Masar Development Inc. (c/o Abdul Zaro), relating to the property located at 1208 Fanshawe Park Road East:

- a) the proposed by-law appended to the staff report dated September 18, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, for the City of London, 2016), to change the zoning of the subject property FROM a Residential R1 (R1-14) Zone TO a Residential R5 Special Provision (R5-7(\_)) Zone;
- b) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
  - i) ensure consent to injure or remove boundary trees is provided by the applicant;
  - ii) additional tree plantings will be required to compensate for loss of trees;
  - iii) relocate and screen the garbage collection pad away from the shared amenity space and consider providing private outdoor amenity space at the rear of Building B;
  - iv) retain the walkways from each stacked-townhouse unit entrance to Fanshawe Park Road East,
  - v) consider consolidating walkways to minimize impermeable surfaces and provide a wider shared walkway connection to the sidewalk along Fanshawe Park Road East;
  - vi) screen any surface parking exposed to a public street with enhanced all-season landscaping, including low landscape walls, shrubs, and street trees;
  - vii) provide additional landscaping or other measures to mitigate noise and lights from Fanshawe Park Road for the basement units located within Building A; and,
  - viii) include short-term public bicycle parking in the development;

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

- a communication dated September 15, 2023 from E. Kane;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- J. McGuffin, Monteith Brown Planning Consultants;

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 (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 London Plan, including but not limited to the Key Directions, City Design and Building policies, and the Neighbourhoods Place Type policies;
- the recommended amendment would permit an appropriate form of development at an intensity that is appropriate for the site

and the surrounding neighbourhood; and,

- the recommended amendment facilitates an infill development on an underutilized site and provides a broader range and mix of housing options within the area; and,

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

**Motion Passed**

8. (5.1) 10th Report of the Community Advisory Committee on Planning

Motion made by: S. Lehman

That, the following actions be taken with respect to the 10th Report of the Community Advisory Committee on Planning, from its meeting held on September 13, 2023:

a) the following actions be taken with respect to the Notice of Planning Application and Public Meeting, dated September 5, 2023, from B. Coveney, Planner, with respect to Official Plan and Zoning By-law Amendments related to Increasing the Number of Additional Residential Units to Permit Four Units as-of-right, City-Wide:

- i) the Planner BE ADVISED that that the Community Advisory Committee on Planning (CACP) is supportive of the Official Plan and Zoning By-law Amendments, recognizing that Accessory Dwelling Units (ADUs) are a form of gentle density that help improve housing supply while maintaining the character of heritage neighbourhoods;
- ii) the Planner BE ADVISED that the CACP recommends that definition of height in the Zoning By-Law for accessory buildings serving as ADUs be made more flexible as to not disincentivize any particular architectural roof styles (especially gable and hip roofs) versus flat roofs; and,
- iii) the comments of the CACP, herein, BE FORWARDED to the Planner on the ADU file and to the Planning and Environment Committee in advance of their scheduled public participation meeting and to appropriate Planner for ReThink Zoning; it being noted that the above-noted Notice of Planning Application and Public Meeting was received; and,

b) clauses 1.1, 3.1 to 3.3, inclusive, 3.5, 4.1, 5.1 to 5.3, inclusive, and clause 6.1 BE RECEIVED for information;

it being acknowledged that any and all oral and written submissions from the public, related to this application has been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters.

**Motion Passed**

3. (3.2) 176 Piccadilly Street

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the property located at 176 Piccadilly Street BE REMOVED from the Register of Cultural Heritage Resources;

it being pointed out that no action be taken with respect to the communication dated September 15, 2023 from A.M. Valastro, with respect to this matter;

it being noted that no individuals spoke at the public participation meeting associated with this matter;

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-R01)

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelosa, D. Ferreira, and S. Hillier

Nays: (1): S. Trosow

**Motion Passed (14 to 1)**

Motion made by: S. Stevenson

Seconded by: P. Cuddy

That the Council recess at this time, for 20 minutes.

**Motion Passed**

That Council recesses at 3:38 PM and reconvenes at 4:01 PM.

6. (3.5) 3234-3274 Wonderland Road South (Z-9618) (Relates to Bill No. 363)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Southside Construction Management Ltd., relating to a portion of the property located at 3234-3274 Wonderland Road South:

- a) consistent with Policy 43\_1 of The London Plan, a portion of the subject lands, 3234 and 3274 Wonderland Road South, BE INTERPRETED to be located within the Shopping Area Place Type;
- b) the proposed by-law appended to the staff report dated September 18, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM an Associated Shopping Area Special Provision (ASA8(17)) Zone and a holding Light Industrial (h-17\*LI1/LI7) TO an Associated Shopping Area Special Provision (ASA8(\_)) Zone;
- c) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
  - i) ensure all landscaping fronting Wonderland Road S is designed and installed to create a strong built edge with a minimum depth of

between 4.0 - 6.0 metres south of the proposed Wonderland Road South access, and that the enhanced landscaped area contemplate a forecourt element to accommodate parking spaces that are located immediately abutting the built edge landscape feature, which also provides for a pedestrian-oriented streetscape and an active street frontage, and the integration of a future Pad (Pad 10) that can be phased in over the life of the plan.

ii) ensure there is a robust pedestrian network throughout the site, linking the primary building entrances to each other and internal walkways through the parking lot with all crossing connected directly to sidewalks;

iii) locate the principal building entrances and transparent windows to face the public right-of-way to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access;

iv) provide individual unit entrances with walkways leading to the public sidewalks on Wonderland Road South;

v) provide a minimum 40% of glazing along the intersection of the Wonderland Rd South and Bradley Ave facades;

vi) reduce the amount of asphalt provided to the minimum amount required and provide additional landscaping to assist with stormwater management and reduce the heat island effect; and,

vii) ensure the Transportation Impact Study has been updated to the satisfaction of the Transportation Division;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- H. Froussios, Zelinka Priamo Ltd.; and,
- K. Mazzone, Tesla Canada;

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 (PPS), which encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1.(a));
- the recommended amendment conforms to The London Plan, including but not limited to the Key Directions, City Design and Building policies, and the Shopping Area Place Type policies;
- the recommended amendment conforms to the Wonderland Road Community Enterprise Corridor policies in the Southwest Area Plan (SWAP); and,
- the recommended amendment facilitates the development of a vacant site within the Built-Area Boundary with an appropriate form of development;

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

Motion made by: S. Franke

Seconded by: A. Hopkins

That part c), BE AMENDED to read as follows:

"c) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:

i) ensure all landscaping fronting Wonderland Road South is designed and installed to create a strong built edge with a minimum depth of between 4.0 - 6.0 metres south of the proposed

Wonderland Road South access, and that the enhanced landscaped area contemplate a forecourt element to accommodate parking spaces that are located immediately abutting the built edge landscape feature, which also provides for a pedestrian-oriented streetscape and an active street frontage, and the integration of a future Pad (Pad 10) that can be phased in over the life of the plan.

ii) ensure there is a robust pedestrian network throughout the site, linking the primary building entrances to each other and internal walkways through the parking lot with all crossings connected directly to sidewalks;

iii) locate the principal building entrances and transparent windows to face the public right-of-way to reinforce the public realm, establish an 220 7 active frontage and provide for convenient pedestrian access;

iv) provide individual unit entrances with walkways leading to the public sidewalks on Wonderland Road South;

v) provide a minimum 40% of glazing along the intersection of the Wonderland Road South and Bradley Avenue facades;

vi) reduce the amount of asphalt provided to the minimum amount required and provide additional landscaping to assist with stormwater management and reduce the heat island effect;

vii) exceeding the minimum tree planting requirements;

viii) further investigate the ability to install low impact development (LID) features within the site; and,

ix) ensure the Transportation Impact Study has been updated to the satisfaction of the Transportation Division;

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, S. Franke, E. Pelosa, D. Ferreira, and S. Hillier

Nays: (2): S. Stevenson, and P. Van Meerbergen

### **Motion Passed (13 to 2)**

Motion made by: S. Lehman

Seconded by: P. Cuddy

That part b) of Item 6 (clause 3.5) 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 Southside Construction Management Ltd., relating to a portion of the property located at 3234-3274 Wonderland Road South:

b) the revised, ~~attached~~, proposed by-law as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM an Associated Shopping Area Special Provision (ASA8(17)) Zone and a holding Light Industrial (h-17\*LI1/LI7) TO an Associated Shopping Area Special Provision (ASA8(\_)) Zone;

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Peloza, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

Motion made by: S. Lehman

Seconded by: S. Stevenson

That item 6 (3.5), as amended, BE APPROVED.

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Peloza, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

Item 6 (3.5), 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 Southside Construction Management Ltd., relating to a portion of the property located at 3234-3274 Wonderland Road South:

- a) consistent with Policy 43\_1 of The London Plan, a portion of the subject lands, 3234 and 3274 Wonderland Road South, BE INTERPRETED to be located within the Shopping Area Place Type;
- b) the revised, ~~attached~~, proposed by-law as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM an Associated Shopping Area Special Provision (ASA8(17)) Zone and a holding Light Industrial (h-17\*LI1/LI7) TO an Associated Shopping Area Special Provision (ASA8(\_)) Zone;
- c) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
  - i) ensure all landscaping fronting Wonderland Road South is designed and installed to create a strong built edge with a minimum depth of between 4.0 - 6.0 metres south of the proposed Wonderland Road South access, and that the enhanced landscaped area contemplate a forecourt element to accommodate parking spaces that are located immediately abutting the built edge landscape feature, which also provides for a pedestrian-oriented streetscape and an active street frontage, and the integration of a future Pad (Pad 10) that can be phased in over the life of the plan;
  - ii) ensure there is a robust pedestrian network throughout the site, linking the primary building entrances to each other and internal walkways through the parking lot with all crossing connected directly to sidewalks;
  - iii) locate the principal building entrances and transparent windows to face the public right-of-way to reinforce the public realm, establish a 220' active frontage and provide for convenient pedestrian access;
  - iv) provide individual unit entrances with walkways leading to the public sidewalks on Wonderland Road South;
  - v) provide a minimum 40% of glazing along the intersection of the

Wonderland Road South and Bradley Avenue facades;  
vi) reduce the amount of asphalt provided to the minimum amount required and provide additional landscaping to assist with stormwater management and reduce the heat island effect;  
vii) exceeding the minimum tree planting requirements;  
viii) further investigate the ability to install low impact development (LID) features within the site; and,  
ix) ensure the Transportation Impact Study has been updated to the satisfaction of the Transportation Division;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- H. Froussios, Zelinka Priamo Ltd.; and,
- K. Mazzone, Tesla Canada;

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 (PPS), which encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1.(a));
- the recommended amendment conforms to The London Plan, including but not limited to the Key Directions, City Design and Building policies, and the Shopping Area Place Type policies;
- the recommended amendment conforms to the Wonderland Road Community Enterprise Corridor policies in the Southwest Area Plan (SWAP); and,
- the recommended amendment facilitates the development of a vacant site within the Built-Area Boundary with an appropriate form of development;

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

7. (3.6) 1364-1408 Hyde Park Road (OZ-9635) (Relates to Bill No.'s 344 and 364)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by the City of London, relating to the property located at 1364-1408 Hyde Park Road:

- a) the proposed by-law appended to the staff report dated September 18, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023 to amend the Official Plan for the City of London, 2016, to create a new specific policy area for the subject lands within the Neighbourhoods Place Type;
- b) the proposed by-law appended to the staff report dated September 18, 2023 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016, as amended in part a) above), to change the zoning of the subject property FROM an Urban Reserve (UR3) Zone TO a Special Provision R9 Residential (R9-7(\_)) and Open Space (OS1 and OS5) Zones;

c) the Site Plan Approval Authority BE REQUESTED to consider the following design issue through the site plan process:

i) include short-term public bicycle parking in the development;

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

- the staff presentation; and,
- the project brief from J. Smolarek, Siv-ik Planning/Design;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- J. Smolarek, Siv-ik Planning/Design; and,
- M. Wallace, London Development Institute;

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 London Plan, including, but not limited to the Neighbourhoods Place Type and Our Tools; and,
- the recommended amendment facilitates the development of housing on a greenfield site within a residential area; and,

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

Motion made by: C. Rahman

Seconded by: P. Cuddy

That Item 7 (3.6), BE AMENDED, by adding the following new part c) ii) as follows:

"ii) an increase to parking on-site in the development;"

Yeas: (8): Mayor J. Morgan, P. Cuddy, S. Stevenson, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, and S. Hillier

Nays: (7): H. McAlister, S. Lewis, J. Pribil, S. Trosow, S. Franke, E. Pelozza, and D. Ferreira

**Motion Passed (8 to 7)**

Motion made by: S. Lehman

Seconded by: S. Lewis

Item 7 (clause 3.6), as amended, BE APPROVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, and S. Hillier

Nays: (2): S. Trosow, and D. Ferreira

**Motion Passed (13 to 2)**

Item 7 (clause 3.6), 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 the City of London, relating to the property located at 1364-1408 Hyde Park Road:

a) the proposed by-law appended to the staff report dated September 18, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023 to amend the Official Plan for the City of London, 2016, to create a new specific policy area for the subject lands within the Neighbourhoods Place Type;

b) the proposed by-law appended to the staff report dated September 18, 2023 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on September 26, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016, as amended in part a) above), to change the zoning of the subject property FROM an Urban Reserve (UR3) Zone TO a Special Provision R9 Residential (R9-7(\_)) and Open Space (OS1 and OS5) Zones;

c) the Site Plan Approval Authority BE REQUESTED to consider the following design issue through the site plan process:

- i) include short-term public bicycle parking in the development;
- ii) an increase to parking on-site in the development;

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

- the staff presentation; and,
- the project brief from J. Smolarek, Siv-ik Planning/Design;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- J. Smolarek, Siv-ik Planning/Design; and,
- M. Wallace, London Development Institute;

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 London Plan, including, but not limited to the Neighbourhoods Place Type and Our Tools; and,
- the recommended amendment facilitates the development of housing on a greenfield site within a residential area; and,

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

## **9. Added Reports**

### **9.1 13th Report of Council in Closed Session**

Motion made by: J. Pribil

#### **1. Property Acquisition – 1241 Wellington Road – Wellington Gateway Project**

That, on the recommendation of the Deputy City Manager, Finance Supports, with the concurrence of the Director, Construction and

Infrastructure Services, on the advice of the Director, Realty Services, with respect to the property located at 1241 Wellington Road South, further described as Lot 4, Plan 880, Geographic Township of Westminster, in the City of London, County of Middlesex, being all of PIN 08485-0016 (LT). Part Block A, RP 653 and Part Lot 24, Concession 2, designated as Part 1 on Plan 33R-11797, Geographic Township of Westminster, in the City of London, County of Middlesex, being all of PIN 08485-0198 (LT) containing an area of approximately 23,958 square feet, as shown on the location map attached as Appendix “B”, for the purpose of future road improvements to accommodate the Wellington Gateway Project, the following actions be taken:

- a) the offer submitted by Cenovus Energy Inc. (the “Vendor”), to sell the subject property to the City, for the sum of \$852,000.00 BE ACCEPTED, subject to the terms and conditions as set out in the agreement attached as Appendix “C”; and
- b) the financing for this acquisition BE APPROVED as set out in the Source of Financing Report attached hereto as Appendix “A”.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, S. Franke, E. Pelozo, D. Ferreira, and S. Hillier

Absent: (1): P. Van Meerbergen

**Motion Passed (14 to 0)**

**10. Deferred Matters**

None.

**11. Enquiries**

None.

**12. Emergent Motions**

None.

**13. By-laws**

Motion made by: P. Van Meerbergen

Seconded by: P. Cuddy

That Introduction and First Reading of Bill No.’s 334 to 364, excluding Bill No.’s 343 and 360, and including the revised Bill No. 363, BE APPROVED.

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozo, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

Motion made by: A. Hopkins

Seconded by: S. Lehman

That Second Reading of Bill No.’s 334 to 364, excluding Bill No.’s 343 and 360, and including the revised Bill No. 363, BE APPROVED.

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozo, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

Motion made by: H. McAlister

Seconded by: S. Stevenson

That Third Reading and Enactment of Bill No.'s 334 to 364, excluding Bill No.'s 343 and 360, and including the revised Bill No. 363, BE APPROVED.

Yeas: (15): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

**Motion Passed (15 to 0)**

Motion made by: C. Rahman

Seconded by: P. Cuddy

That Introduction and First Reading of Bill No. 343, BE APPROVED.

Yeas: (12): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, J. Pribil, C. Rahman, S. Lehman, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Nays: (3): S. Stevenson, S. Trosow, and A. Hopkins

**Motion Passed (12 to 3)**

At 4:50 PM, Councillor D. Ferreira leaves the meeting.

Motion made by: C. Rahman

Seconded by: S. Lehman

That Second Reading of Bill No. 343, BE APPROVED.

Yeas: (11): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, J. Pribil, C. Rahman, S. Lehman, P. Van Meerbergen, S. Franke, E. Pelozza, and S. Hillier

Nays: (3): S. Stevenson, S. Trosow, and A. Hopkins

Absent: (1): D. Ferreira

**Motion Passed (11 to 3)**

Motion made by: P. Cuddy

Seconded by: C. Rahman

That Third Reading and Enactment of Bill No. 343, BE APPROVED.

Yeas: (11): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, J. Pribil, C. Rahman, S. Lehman, P. Van Meerbergen, S. Franke, E. Pelozza, and S. Hillier

Nays: (3): S. Stevenson, S. Trosow, and A. Hopkins

Absent: (1): D. Ferreira

**Motion Passed (11 to 3)**

Motion made by: S. Stevenson  
Seconded by: J. Pribil

That Introduction and First Reading of Bill No. 360, BE APPROVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, P. Van Meerbergen, S. Franke, E. Pelozza, and S. Hillier

Nays: (1): A. Hopkins

Absent: (1): D. Ferreira

**Motion Passed (13 to 1)**

Motion made by: P. Cuddy  
Seconded by: C. Rahman

That Second Reading of Bill No. 360, BE APPROVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, P. Van Meerbergen, S. Franke, E. Pelozza, and S. Hillier

Nays: (1): A. Hopkins

Absent: (1): D. Ferreira

**Motion Passed (13 to 1)**

Motion made by: P. Cuddy  
Seconded by: S. Lehman

That Third Reading and Enactment of Bill No. 360, BE APPROVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, P. Van Meerbergen, S. Franke, E. Pelozza, and S. Hillier

Nays: (1): A. Hopkins

Absent: (1): D. Ferreira

**Motion Passed (13 to 1)**

Motion made by: C. Rahman  
Seconded by: S. Franke

That Introduction and First Reading of Added Bill No. 365, BE APPROVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, S. Franke, E. Pelozza, and S. Hillier

Nays: (1): P. Van Meerbergen

Absent: (1): D. Ferreira

**Motion Passed (13 to 1)**

Motion made by: A. Hopkins  
Seconded by: S. Lewis

That Second Reading of Added Bill No. 365, BE APPROVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, S. Franke, E. Pelozza, and S. Hillier

Nays: (1): P. Van Meerbergen

Absent: (1): D. Ferreira

**Motion Passed (13 to 1)**

Motion made by: A. Hopkins  
Seconded by: S. Lehman

That Third Reading and Enactment of Added Bill No. 365, BE APPROVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, S. Trosow, C. Rahman, S. Lehman, A. Hopkins, S. Franke, E. Pelozza, and S. Hillier

Nays: (1): P. Van Meerbergen

Absent: (1): D. Ferreira

**Motion Passed (13 to 1)**

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

Bill No. 334	By-law No. A.-8407-256 - A by-law to confirm the proceedings of the Council Meeting held on the 26th day of September, 2023. (City Clerk)
Bill No. 335	By-law No. A.-8408-257 - A by-law to establish the Self Insurance Reserve Fund and to repeal By-law No. A.-5929-208 being "A by-law to establish a reserve fund known as the Self Insurance Reserve Fund". (2.1c/16/CSC)
Bill No. 336	By-law No. A.-8409-258 - A by-law to establish the London Police Service Reserve Fund and to repeal By-Law No. A.-6390-236 being "A by-law to establish the London Police Service Recruitment Reserve Fund". (2.1c/16/CSC)
Bill No. 337	By-law No. A.-8410-259 - A by-law to establish the Debt Substitution Reserve Fund. (2.1c/16/CSC)
Bill No. 338	By-law No. A.-8411-260 - A by-law to establish the Water Debt Substitution Reserve Fund. (2.1c/16/CSC)
Bill No. 339	By-law No. A.-8412-261 - A by-law to establish the Wastewater and Treatment Debt Substitution Reserve Fund. (2.1c/16/CSC)
Bill No. 340	By-law No. A.-8413-262 - A by-law to establish the DC Incentive Program - Property Tax Supported Reserve Fund and to repeal By-law No. A.-7187-343 being "A by-law to establish the Industrial DC Incentive Program Tax-supported Reserve Fund". (2.2c/16/CSC)
Bill No. 341	By-law No. A.-8414-263 - A by-law to repeal By-law No. A.-7191-347, being "A by-law to establish the Commercial DC Incentive Program Reserve Fund"; By-law No. A.-7190-346 being "A by-law to establish the Institutional DC Incentive Reserve Fund"; By-law No. A.-7193-349 being "A by-law to establish the Non-Growth Works Arising from Development Agreements Reserve Fund"; and By-law No. A.-7192-348, being "A by-law to establish the Residential DC Incentive Program Reserve Fund". (2.2c/16/CSC)
Bill No. 342	By-law No. A.-8415-264 - A by-law to ratify and confirm the Annual Resolutions of the Shareholder of London & Middlesex Community Housing Inc. (4.2/22/SPPC)
Bill No. 343	By-law No. A.-8416-265 - A by-law to ratify and confirm the Resolutions of the Shareholder of London Hydro Inc. (5.1/22/SPPC)
Bill No. 344	By-law No. C.P.-1512(ch)-266 - A by-law to amend The Official Plan for the City of London, 2016 relating to 1364-1408 Hyde Park Road (3.6a/15/PEC)
Bill No. 345	By-law No. C.P.-1512(ci)-267 - A by-law to amend The Official Plan for the City of London, 2016 relating to 1918 to 2304 and 2005 to 2331 Kilally Road excluding 2065 Kilally Road (Director of Planning)
Bill No. 346	By-law No. CPOL.-114(f)-268 - A by-law to amend By-law No. CPOL.-114-366 being "Flags at City Hall" to repeal and replace Schedule "A". (2.6a/16/CSC)

Bill No. 347	By-law No. CPOL.-127(c)-269 - A by-law to amend By-law No. CPOL.-127-379 being "Illumination of City of London Buildings and Amenities" to repeal and replace Schedule "A". (2.6b/16/CSC)
Bill No. 348	By-law No. L.-131(i)-270 - A by-law to amend By-law No. L.-131-16, as amended, entitled "A by-law to provide for the Licensing and Regulation of Various Businesses". (3.1/14/CPSC)
Bill No. 349	By-law No. L.-130(e)-271 - A by-law to amend By-law No. L.-130-71, referred to as the Vehicle for Hire By-law, to amend Schedule 2 and Part 1 (3.2/14/CPSC)
Bill No. 350	By-law No. S.-6254-272 - A by-law to assume certain works and services in the City of London. (Westfield Village Estates, Phase 1 – Stage 2, Plan 33M-621) (Deputy City Manager, Environment & Infrastructure)
Bill No. 351	By-law No. S.-6255-273 - A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Settlement Trail and Pomeroy Lane; as part of Crane Ave; as part of Settlement Trail; as part of Pomeroy Lane; and as part of Tillman Road) (Chief Surveyor – registration of 33M-624 requires 0.3m reserves on abutting plans 33M-494, 33M-562, 33M-621 to be dedicated as public highway for unobstructed legal access through the subdivision)
Bill No. 352	By-law No. S.-6256-274 - A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Lawson Road; and as part of Reeves Avenue and Elson Road) (Chief Surveyor – registration of 33M-710 requires 0.3m reserves on abutting plans 33M-585 and RP48(C) to be dedicated as public highway for unobstructed legal access through the subdivision)
Bill No. 353	By-law No. S.-6257-275 - A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Asima Drive) (Chief Surveyor – registration of 33M-699 requires 0.3m reserve on abutting plan 33M-533 to be dedicated as public highway for unobstructed legal access through the subdivision)
Bill No. 354	By-law No. S.-6258-276 - A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Bradley Avenue West) (Chief Surveyor – registration of 33M-661 requires 0.3m reserves on abutting plans 33M-602 and 33M-641 to be dedicated as public highway for unobstructed legal access through the subdivision)
Bill No. 355	By-law No. S.-6259-277 - A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Pack Road) (Chief Surveyor – development of Block 115 on Plan 33M-742 requires part of 0.3m reserve to be dedicated as public highway for unobstructed legal access through the subdivision)

Bill No. 356	By-law No. S.-6260-278 - A by-law to lay out, constitute, establish, and assume lands in the City of London as public highway. (as widening to Sunningdale Road West and Hyde Park Road, north of Sunningdale Road West and west of Hyde Park Road) (Chief Surveyor – for road dedication purposes pursuant to the Sunningdale Road West at Hyde Park Intersection Improvements project)
Bill No. 357	By-law No. W.-5696-279 - A by-law to authorize Fire Station 15 – New Station (Project FS1087) (2.3/7/CPSC)
Bill No. 358	By-law No. Z.-1-233137 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2908 Dundas Street (3.1/14/PEC)
Bill No. 359	By-law No. Z.-1-233138 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1992 Fanshawe Park Road West (3.3/14/PEC)
Bill No. 360	By-law No. Z.-1-233139 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1515 Trossacks Avenue (3.4/14/PEC)
Bill No. 361	By-law No. Z.-1-233140 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3030 Singleton Avenue (3.3/15/PEC)
Bill No. 362	By-law No. Z.-1-233141 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1208 Fanshawe Park Road East (3.4/15/PEC)
Bill No. 363	By-law No. Z.-1-233142 - A by-law to amend By-law No. Z.-1 to rezone portion of the lands located at 3234-3274 Wonderland Road South (3.5/15/PEC)
Bill No. 364	By-law No. Z.-1-233143 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1364-1408 Hyde Park Road (3.6b/15/PEC)
Bill No. 365	By-law No. A.-8417-280 - A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and Cenovus Energy Inc., for the acquisition of the property located at 1241 Wellington Road South, in the City of London, for the Wellington Gateway Project, and to authorize the Mayor and the City Clerk to execute the Agreement. (6.1/16/CSC)

#### 14. Adjournment

Motion made by: S. Stevenson

Seconded by: P. Cuddy

That the Council meeting BE ADJOURNED.

**Motion Passed**

The Council meeting adjourned at 4:55 PM.

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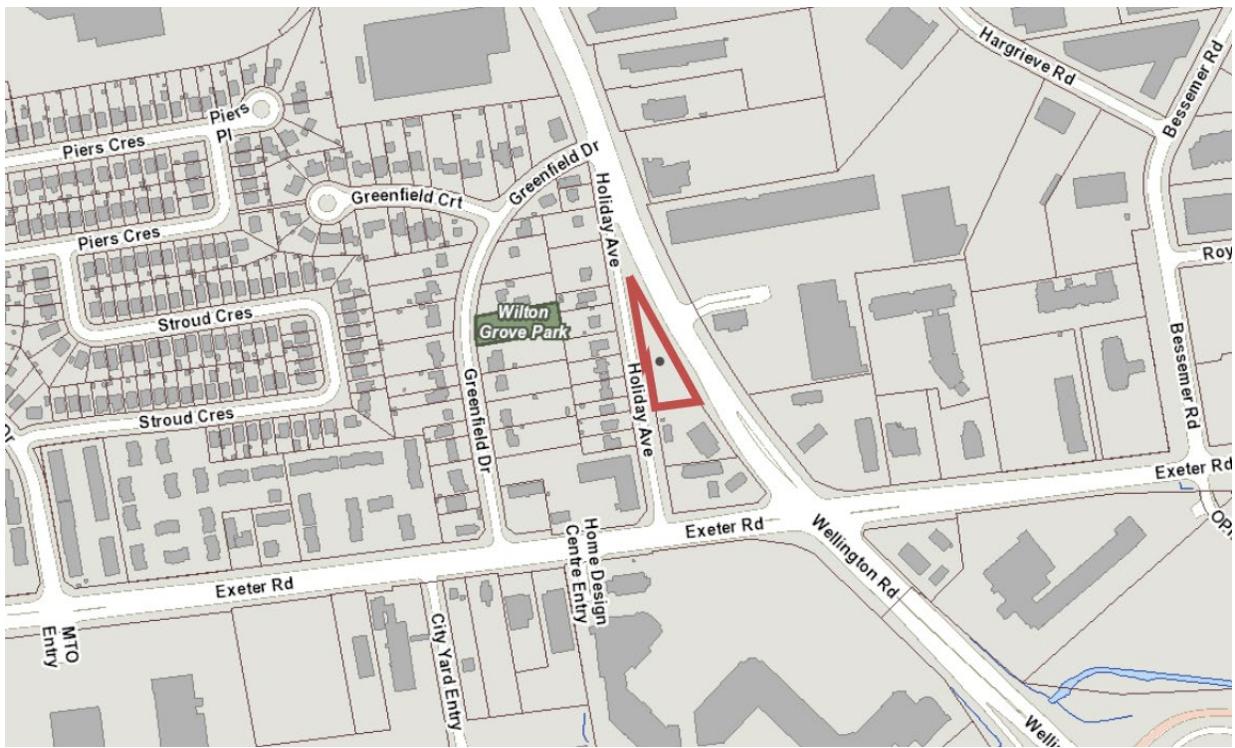
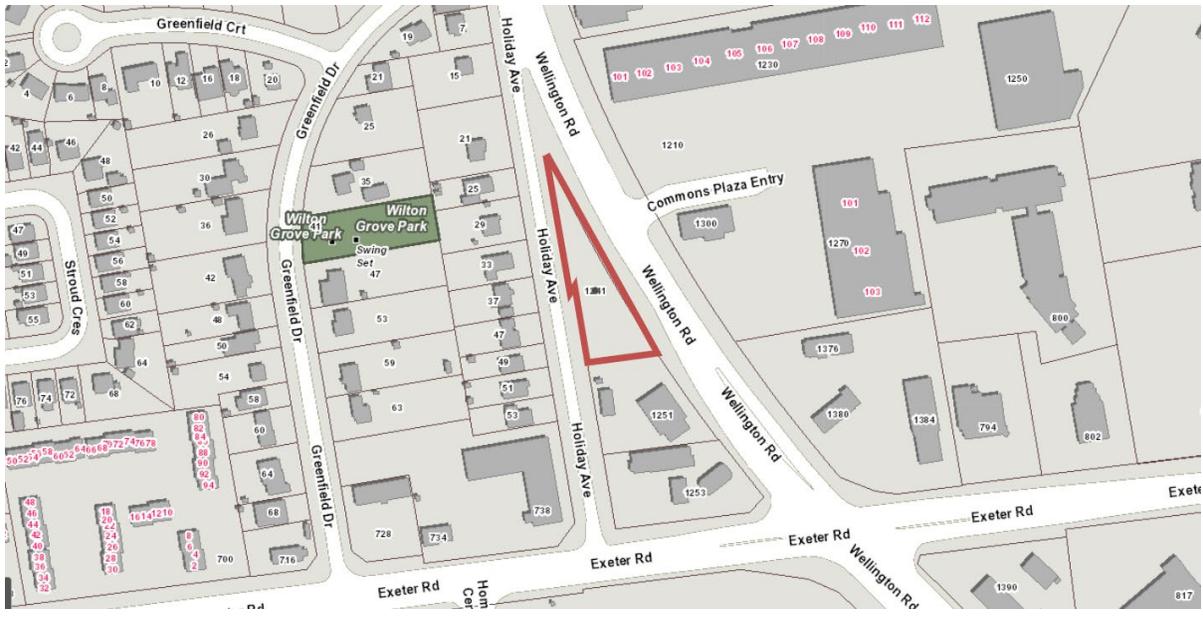
Josh Morgan, Mayor

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Michael Schulthess, City Clerk

# Appendix B – Location Map

1241 Wellington Road



## Appendix C – Agreement of Purchase and Sale

### AGREEMENT OF PURCHASE AND SALE

**PURCHASER:** THE CORPORATION OF THE CITY OF LONDON

**VENDOR:** CENOVUS ENERGY INC.

**REAL PROPERTY:**

Address 1241 Wellington Road, London ON N6E 1M4

Location West side of Wellington Road, North of Exeter Road

Measurements approximately 1,469 m<sup>2</sup>/ 15,812 ft<sup>2</sup>

Legal Description: Lot 4, Plan 880, Geographic Township of Westminster, in the City of London, County of Middlesex, being all of PIN 08485-0016 (LT).

Part Block A, RP 653 and Part Lot 24, Concession 2, designated as Part 1 on 33R-11797, Geographic Township of Westminster, in the City of London, County of Middlesex, being all of PIN 08485-0198 (LT) (the "Property").

1. **OFFER TO PURCHASE:** The Purchaser agrees to purchase the Property from the Vendor in accordance with the terms and conditions as set out in this Agreement.
2. **SALE PRICE:** The purchase price shall be EIGHT HUNDRED AND FIFTY-TWO THOUSAND DOLLARS CDN (\$852,000.00) payable as follows:
  - a) a deposit of Two DOLLARS CDN (\$2.00) cash or cheque on the date hereof as a deposit; and
  - b) the balance of the sale price, subject to adjustments, in cash or by cheque on completion of this Agreement.
3. **ADJUSTMENTS:** Any rents, mortgage interest, realty taxes including local improvements rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to the Purchaser.
4. **SCHEDULE(S):** The following Schedule(s) form(s) part of this Agreement:
  - Schedule "A" Property Sketch
  - Schedule "B" Additional Terms and Conditions
  - Schedule "C" Permitted Encumbrances
5. **IRREVOCABILITY:** This Offer shall be irrevocable by the Vendor until considered by the Council of the Corporation of the City of London at a meeting to be held no later than **September 29, 2023**, after which date, if not accepted by Council, this Offer shall be null and void and the deposit shall be returned to the Purchaser in full without interest or deduction.
6. **TITLE SEARCH:** The Purchaser shall be allowed until 4:30 p.m. on **October 13, 2023**, (Requisition Date) to examine the title to the Property and at its own expense and to satisfy itself that there are no outstanding work orders or deficiency notices affecting the Property, that its present use may be lawfully continued and that the principal building may be insured against risk of fire.
7. **COMPLETION DATE:** This Agreement shall be completed by no later than 4:30 p.m. on **January 12, 2024**. Upon completion, vacant possession of the Property shall be given to the Purchaser unless otherwise provided for in this Agreement.
8. **NOTICES:** Any notice relating to or provided for in this Agreement shall be in writing.
9. **HST:** Harmonized Sales Tax (HST) shall be in addition to and not included in the sale price, and HST shall be collected and remitted in accordance with applicable legislation. Notwithstanding the foregoing, the Vendor shall not collect HST on closing but shall allow the Purchaser to self-assess and remit HST to the Receiver General in accordance with the Part IX of the *Excise Tax Act* (Canada), as amended from time to time (the "ETA"), so long as the Purchaser delivers to the Vendor on closing a certificate and indemnity as set out below, including verification of its HST registration number issued under the ETA. The Purchaser shall indemnify and save harmless the Vendor from and against any and all HST, fines, penalties, costs and/or interest which may become payable by or assessed against the Vendor as a result of the Purchaser's failure to remit any HST or as a result of any inaccuracy, misstatement or misrepresentation made by the Purchaser in connection with any matter raised in this Section.
10. **FUTURE USE:** Vendor and the Purchaser agree that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement.
11. **TITLE:** Provided that the title to the Property is good and free from all restrictions and encumbrances, except as otherwise specifically provided in this Agreement and save and except the permitted encumbrances set out in Schedule "C" (the "Permitted Encumbrances"). If within the specified times referred to in paragraph 6 any valid objection to title is made in writing to the Vendor and which Vendor is unable or unwilling to remove, remedy or

satisfy and which the Purchaser will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and any deposit paid shall be returned without interest or deduction and the Vendor shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, the Purchaser shall be conclusively deemed to have accepted Vendor's title to the Property.

12. **DOCUMENTS AND DISCHARGE:** The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title to the Property except such as are in the possession or control of Vendor. If requested by the Purchaser, Vendor will deliver any sketch or survey of the Property within Vendor's control to the Purchaser as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by the Purchaser on completion, is not available in registerable form on completion, the Purchaser agrees to accept Vendor's lawyer's personal undertaking to obtain, out of the Completion funds, a discharge in registerable form and to register same on title within a reasonable period of time after completion, provided that on or before completion Vendor shall provide to the Purchaser a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by Vendor directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on completion.
13. **DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registerable form at the expense of the Vendor.
14. **RESIDENCY:** The Purchaser shall be credited towards the Purchase Price with the amount, if any, necessary for the Purchaser to pay to the Minister of National Revenue to satisfy the Purchaser's liability in respect of tax payable by Vendor under the non-resident provisions of the Income Tax Act by reason of this sale. The Purchaser shall not claim such credit if Vendor delivers on completion a certified statement that Vendor is not a non-resident of Canada.
15. **TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Vendor and the Purchaser or their respective lawyers who are hereby specifically authorized in that regard.
16. **TENDER:** Any tender of documents or money hereunder may be made upon Vendor or the Purchaser or their respective solicitors on the day set for completion. Money may be tendered by bank draft or cheque by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.
17. **FAMILY LAW ACT:** Vendor warrants that spousal consent is not necessary to this transaction under the provisions of the *Family Law Act*, R.S.O. 1990 unless Vendor's spouse has executed the consent provided.
18. **PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if the subdivision control provisions of the Planning Act are complied with.
19. **COMPLETION ARRANGEMENTS:** Where each of the Vendor and Purchaser retain a lawyer to complete the Agreement of Purchase and Sale of the property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O. , Chapter L4, and any amendments thereto, the Vendor and Purchaser acknowledge and agree that the delivery of documents and the release thereof to the Vendor and Purchaser may, at the lawyer's discretion: (a) not occur contemporaneously with the registration of the Transfer/Deed (and other registerable documentation) and (b) be subject to conditions whereby the lawyer receiving documents and/or money will be required to hold them in trust and not release them except in accordance with the terms of a written agreement between the lawyers.
20. **AGREEMENT IN WRITING:** This Agreement, including any Schedule attached, shall constitute the entire Agreement between the Purchaser and Vendor. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. This Agreement shall be read with all changes of gender or number required by the context.
21. **SUCCESSORS AND ASSIGNS:** The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein.
22. **PERMISSION TO CONSTRUCT UPON ACCEPTANCE OF THE AGREEMENT:** Upon acceptance of this Agreement the Purchaser and/or Agents of the Purchaser shall have the right to enter upon the Property for the purposes of London Hydro utility relocations and/or construction purposes.
23. **"AS IS WHERE IS":** The Purchaser acknowledges and agrees that the Property is being purchased on an "as is, where is" basis, subject to Permitted Encumbrances. No representation or warranty, either express or implied, has been or will be given by the Vendor as to the title to or the boundaries of the Property, the environmental condition of the Property, soil and subsoil conditions, the zoning and other laws, by-laws, regulations, rules or codes applicable to the Property, the size, quality, quantity, fitness for purpose and/or marketability of the Property, or any other matter or thing affecting or related to the Property or any part thereof or the transaction contemplated hereby. The Purchaser acknowledges that it has not relied upon any representation or warranty or upon any offering material or other information furnished to the Purchaser by the Vendor or the Vendor's agent or any other person or entity including, without limitation, any reports, studies or assessments provided to the Purchaser by or on behalf of the Vendor. Without limiting the generality of the foregoing, the Vendor shall have no liability in respect of any environmental contamination of the Property, even though such contamination is not detected by the Purchaser or disclosed by the environmental reports (if any) provided by the Vendor or environmental reports (if any) obtained by the Purchaser and is not detected or disclosed until after closing, and the Purchaser hereby releases the Vendor from any claims, now or hereafter, by reason of any environmental contamination of the Property. The provisions of this Section shall survive the closing of the within transaction.

The Corporation of the City of London hereby accepts the above Agreement of Purchase and Sale and agrees to carry out the same on the terms and conditions herein contained.

IN WITNESS WHEREOF The Corporation of the City of London hereto has hereunto caused to be affixed its Corporate Seal attested by the hands of its proper signing officers pursuant to the authority contained in By-law No. \_\_\_\_\_ of the Council of The Corporation of the City of London passed the \_\_\_\_\_ day of \_\_\_\_\_

THE CORPORATION OF THE CITY OF LONDON

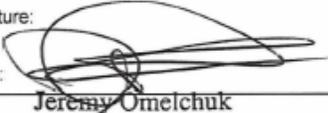
\_\_\_\_\_  
Josh Morgan, Mayor

\_\_\_\_\_  
Michael Schulthess, City Clerk

GIVEN UNDER MY/OUR HAND AND SEAL, (OR, IN WITNESS WHEREOF THE VENDOR HERETO HAS HEREUNTO CAUSED TO BE AFFIXED ITS CORPORATE SEAL ATTESTED BY THE HANDS OF ITS PROPER SIGNING OFFICERS, as the case may be) this 2nd day of August, 2023

SIGNED, SEALED AND DELIVERED  
In the Presence of

CENOVUS ENERGY INC.

Signature: 

Name: Jeremy Omelchuk

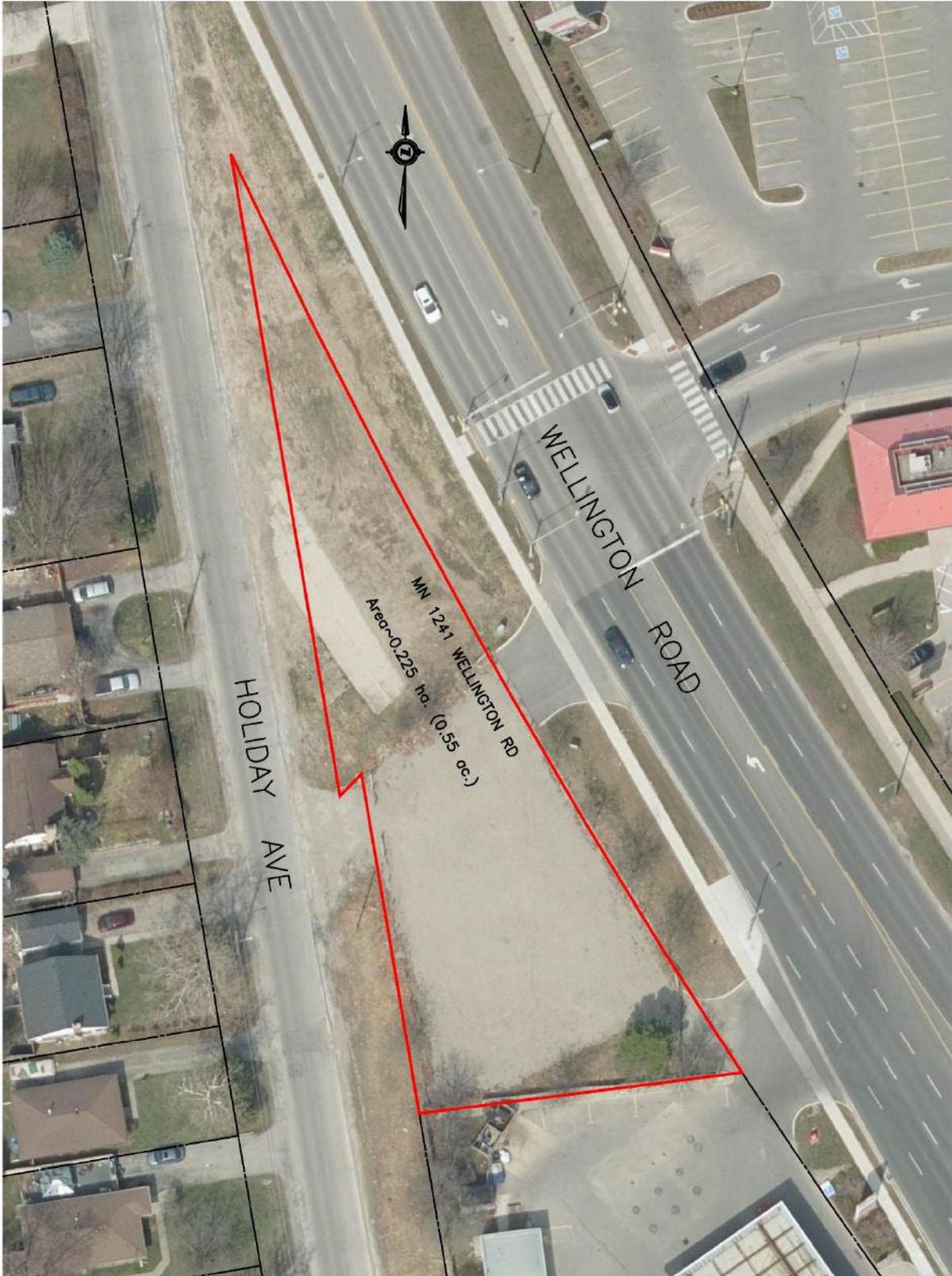
Title: Director, Canadian Refined Products

*I/We Have the Authority to Bind the Corporation*

VENDOR'S LAWYER: \_\_\_\_\_

PURCHASER'S LAWYER: Sachit Tatavarti, Solicitor, 519-661-2489 (CITY) Ext. 5018 Fax: 519-661-0082

SCHEDULE "A"



#### SCHEDULE "B"

1. **LEGAL COSTS:** The Purchaser agrees to pay the Vendor's reasonable legal costs, including fees, disbursements, and applicable taxes, to complete this transaction, subject to assessment.
2. **STATEMENT OF ADJUSTMENTS:** The Vendor shall provide the Purchaser with the Statement of Adjustments and fully executed copies of any further final and irrevocable directions and re-directions regarding payment of the balance of the Purchase Price (as defined in Section 2 of this Agreement) as the Vendor may require (collectively, the "Direction re: Funds"), by no later than 4.00 p.m. on the 6th business day that precedes the Completion Date (as defined in Section 7 of this Agreement or otherwise agreed upon by the parties), failing which, at the sole option of the Purchaser, the Completion Date may be extended to a date up to ten (10) business days after the Purchaser's receipt of the Direction re: Funds.
3. **SOIL, GEOTECHNICAL, ARCHEOLOGICAL, AND ENVIRONMENTAL TESTS:** The Purchaser shall have a period of 90 days from the date of acceptance of this Agreement to satisfy itself in its sole and absolute discretion as to the soil, geotechnical, archeological and environmental condition of the Property. The Purchaser may enter on the Property on prior written notice to the Vendor and have soil, geotechnical, archeological and environmental tests conducted using qualified agents or servants. The Purchaser agrees that all such tests shall be conducted using reasonable care and that the Property shall be restored to a condition as close as reasonably possible to its condition prior to entry. The Purchaser agrees to indemnify and save harmless the Vendor from and against all claims, demands, costs, including reasonable legal costs, damages, expenses and liabilities whatsoever arising out of its entry on the Property and the conducting of such test. If the results of the soil, geotechnical, archeological, and environmental tests are not satisfactory to the Purchaser in its sole and absolute discretion, it shall within the time limited deliver written notice to that effect to the Vendor and the Agreement shall be terminated and the deposit immediately returned to the Purchaser without interest or deduction; failing delivery of written notice, the condition shall be deemed to have been waived. This condition is inserted for the benefit of the Purchaser and may be waived by it at any time during the time limited period.
4. **OFFSITE GROUND WELL MONITORING:** The Vendor acknowledges having advised the Ministry of Environment, Conservation and Parks (MECP) that it will continue to monitor existing offsite groundwater monitoring wells every two years until natural attenuation has been achieved (the "Offsite Monitoring"). The Vendor represents and warrants that such Offsite Monitoring shall continue until two successive groundwater sampling events satisfy the applicable Table 3 Site Condition Standards pursuant to O. Reg. 153/04. The Vendor shall provide the Purchaser with copies of any reports generated arising from the Offsite Monitoring, and shall provide the Purchaser with any correspondence from the MECP in relation to the Offsite Monitoring as soon as reasonably practicable. The Vendor shall indemnify and hold the Purchaser harmless from and against any liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part as a result of the Vendor's failure to carry out the Offsite Monitoring. This condition shall survive and not merge upon completion of this transaction.
5. **REFERENCE PLAN:** The Purchaser agrees to prepare and deposit on title, on or before completion and at its expense, a reference plan describing the Property. In the event that the reference plan has not yet been deposited upon the Completion Date contained in paragraph 7 of this Agreement, the Vendor shall consent to extend the Completion Date one or more times for a total period of up to six (6) months, without condition, to facilitate the deposit of the reference plan prior to the completion of this transaction.

## SCHEDULE "C"

### PERMITTED ENCUMBRANCES

1. Liens for municipal property taxes, local improvement charges or other taxes, assessments or recoveries relating to the Property which are not at the time due.
2. The reservations, limitations, exceptions, provisos and conditions, if any, expressed in any original grants from the Crown.
3. Any registered or unregistered licences, easements, rights-of-way, rights in the nature of easements and agreements with respect thereto which relate to the provision of utilities to the Property in favour of any governmental authority or any private or public utility (including, without limitation, agreements, easements, licences, rights-of-way and interests in the nature of easements for sewers, drains, gas, steam, water mains, electric light and power, or telephone and telegraphic conduits, poles, wires and cables), provided that they will not materially adversely impair the use of the Property for the purposes for which it is presently used or the operation, value or marketability of the Property and provided further that any of the foregoing which are not registered on title have been disclosed to the Purchaser prior to the date of execution of this Agreement.
4. The exceptions, limitations and qualifications in Section 44(1) of the *Land Titles Act* (Ontario) and any amendments thereto, other than paragraphs 3, 5, 8, 11 and 14 thereof, provincial taxes and succession duties, and escheats or forfeitures to the Crown.
5. Registered subdivision agreements, site plan control agreements, servicing or industrial agreements, airport zoning regulations and other similar agreements with governmental authorities affecting the development or use of the Property, provided that there is no breach thereunder, or any breach does not in the aggregate materially and adversely affect the use, operation, value or marketability of the Property, and provided further that the applicable governmental authority confirms that it holds sufficient security to ensure performance of future obligations, if any.
6. Registered cost-sharing, servicing, reciprocal use or other similar agreements, provided there is no default thereunder and provided further that they will not in the aggregate materially adversely impair the use of the Property for the purposes for which it is presently used or the operation, value or marketability of the Property.
7. Minor encroachments by the Property over neighbouring lands and minor encroachments over the Property by improvements of abutting land owners, provided that they will not in the aggregate materially adversely impair the use of the Property for the purposes for which it is presently used or the operation, value or marketability of the Property and provided further that the Vendor has no knowledge of any disputes in respect of same.

# Appendix A – Source of Financing Report

## Appendix "A" Confidential

#23185

September 11, 2023  
(Property Acquisition)

Chair and Members  
Corporate Services Committee

RE: Property Acquisition - 1241 Wellington Road - Wellington Gateway Project  
(Subledger LD210072)  
RT1430-1B - Wellington Gateway - Land Rapid Transit  
Cenovus Energy Inc.

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

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

Estimated Expenditures	Approved Budget	Committed To Date	This Submission	Balance for Future Work
Land Purchase	28,492,900	26,145,866	895,774	1,451,260
<b>Total Expenditures</b>	<b>\$28,492,900</b>	<b>\$26,145,866</b>	<b>\$895,774</b>	<b>\$1,451,260</b>
<b>Sources of Financing</b>				
Capital Levy	3,005,102	2,757,564	94,476	153,062
Drawdown from City Services - Roads Reserve Fund (Development Charges) (Note 1)	21,487,798	21,487,798	0	0
Debenture Quota (Serviced through City Services - Roads Reserve Fund (Development Charges))(Note 1)	4,000,000	1,900,504	801,298	1,298,198
<b>Total Financing</b>	<b>\$28,492,900</b>	<b>\$26,145,866</b>	<b>\$895,774</b>	<b>\$1,451,260</b>
<b>Financial Note:</b>				
Purchase Cost	\$852,000			
Add: Legal Fees	15,000			
Add: Land Transfer Tax	13,515			
Add: HST @13%	112,710			
Less: HST Rebate	-97,451			
Total Purchase Cost	<u>\$895,774</u>			

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

  
\_\_\_\_\_  
Jason Davies  
Manager of Financial Planning & Policy

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