

Bill No. 426  
2018

By-law No. A.-\_\_\_\_\_

A by-law to authorize and approve an Amending Agreement to the City User Agreement between The Corporation of the City of London and the YMCA of Western Ontario and to authorize the Mayor and the City Clerk to execute the Amending Agreement.

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

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

AND WHEREAS section 10 of the *Municipal Act, 2001* provides that the City may provide any service or thing that the City considers necessary or desirable for the public, and may pass by-laws respecting same, and respecting economic, social and environmental well-being of the City, and the health, safety and well-being of persons;

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

1. The Amending Agreement to the City User Agreement, attached as Schedule "A" to this by-law, between The Corporation of the City of London and the YMCA of Western Ontario is hereby authorized and approved.
2. The Mayor and the City Clerk are authorized to execute the Amending Agreement noted in part 1, above.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on July 24, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First reading – July 24, 2018  
Second reading – July 24, 2018  
Third reading – July 24, 2018

**SCHEDULE "A"**

**AMENDING AGREEMENT**

**MEMORANDUM OF AGREEMENT**  
made as of the 24<sup>th</sup> day of July, 2018.  
BETWEEN:

**THE CORPORATION OF THE CITY OF LONDON** (the "City")

-and-

**YMCA OF WESTERN ONTARIO** (the "YMCA")

**WHEREAS** the City and the YMCA entered into a joint venture agreement for the purpose of building and operating a multi-purpose community centre in the northeast area of London, (the "Facility");

**AND WHEREAS** as part of the Joint Venture the City and the YMCA entered into a City User Agreement to establish Programming Standards and to provide City Users with access to Programs delivered by the YMCA at the Facility;

**AND WHEREAS** the Parties have agreed to amend the City User Agreement;

**NOW THEREFORE** in consideration of the mutual covenants and agreements between the Parties, the Parties agree as follows:

1. The capitalized terms used in this Amending Agreement shall have the same meaning ascribed to them as in the City User Agreement.
2. The Parties agree to amend the City User Agreement as follows:
  - a) Paragraph 2.3 of the City User Agreement is hereby amended by changing the reference to "fifty percent (50%)" to read "thirty-five percent (35%)".
  - b) Paragraph 2.5 of the City User Agreement is hereby deleted in its entirety.
  - c) Paragraph 3.2 of the City User Agreement is hereby amended by changing the reference to "within thirty (30) days" to read "within six (6) months".
  - d) Schedule "A", together with all references to it in the City User Agreement are hereby deleted.
3. In all other respects, the Parties confirm the terms of the City User Agreement which, subject to the amendments contained herein remains in full force and effect and binding upon the parties and their respective successors and assigns.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as of the date first written above.

**THE CORPORATION OF THE CITY OF LONDON**

Per: \_\_\_\_\_

Name: Matt Brown, Mayor

Per: \_\_\_\_\_

Name: Catharine Saunders, City Clerk

**YMCA OF WESTERN ONTARIO**

Per: \_\_\_\_\_

Name: Andrew Lockie, Chief Executive Officer