



Council Minutes

The 14th Meeting of City Council
July 21, 2020, 4:00 PM

Present: Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, S. Hillier

Absent: S. Lewis

Also Present: M. Schulthess, S. Spring and B. Westlake-Power.

The following were in remote attendance: L. Livingstone, A. Anderson, A. Barbon, G. Barrett, B. Card, S. Corman, K. Dickins, O. Katolyk, G. Kotsifas, H. McNeely, J. McGonigle, D. O'Brien, D. Popadic, K. Scherr, C. Smith and B. Warner.

The meeting was called to order at 4:00 PM, with Mayor E. Holder in the Chair, with all Members participating, except Councillor S. Lewis; it being noted that the following Members were in remote attendance: Councillors M. van Holst, M. Salih, J. Helmer, M. Cassidy, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga and S. Hillier.

1. Disclosures of Pecuniary Interest

Councillor M. Cassidy discloses a pecuniary interest in Items 2 (2.1) and 7 (3.5) of the 11th Report of the Planning and Environment Committee, having to do with the property located at 307 Fanshawe Park Road East, by indicating that her family owns property in the area.

Councillor S. Turner discloses a pecuniary interest in Item 10 (5.2) of the 13th Report of the Strategic Priorities and Policy Committee, having to do with potential additional legislative actions to prevent the spread of COVID-19, by indicating that the matter concerns the Medical Officer of Health, Middlesex-London Health Unit, which is his employer. Councillor S. Turner further discloses a pecuniary interest in Item 2 (4.1) of the 14th Report of the Strategic Priorities and Policy Committee, having to do with potential additional legislative actions to prevent the spread of COVID-19, by indicating that the matter concerns the Medical Officer of Health, Middlesex-London Health Unit, which is his employer

Councillor J. Helmer discloses a pecuniary interest in Item 5 (2.4) of the 13th Report of the Strategic Priorities and Policy Committee, having to do with the 2nd Report of the Rapid Transit Implementation Working Group, specific to item 3.2 - North Corridor, by indicating that he anticipates being an employee of Western University, which will be impacted by this matter.

Councillor J. Morgan discloses a pecuniary interest in Item 5 (2.4) of the 13th Report of the Strategic Priorities and Policy Committee, having to do with the 2nd Report of the Rapid Transit Implementation Working Group, specific to item 3.2 - North Corridor, by indicating that he is an employee of Western University, which is be impacted by this matter.

Councillor S. Lehman discloses a pecuniary interest in Item 5 (2.4) of the 13th Report of the Strategic Priorities and Policy Committee, having to do with the 2nd Report of the Rapid Transit Implementation Working Group, specific to item 3.2 - North Corridor, by indicating that he owns a business on Richmond Row.

2. Recognitions

None.

3. Review of Confidential Matters to be Considered in Public

None.

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

That pursuant to section 6.5 of the Council Procedure By-law, the following changes in order BE APPROVED:

- a) Stage 4 – Council, In Closed Session be considered after Stage 13- By-laws, with the exception of Bill No. 219, being a by-law to confirm the proceedings of the Council Meeting held on the 21st Day of July, 2020, which will be considered, prior to Stage 14 – Adjournment; and
- b) Stage 9 – Added Reports –Item 9.1 - 12th Report of Council, In Closed Session be considered after Stage 4 – Council, In Closed Session.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

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

5.1 13th Meeting held on June 29, 2020

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

That the minutes of the 13th Meeting held on June 29, 2020 BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

6. Communications and Petitions

Motion made by: E. Pelozza
Seconded by: A. Hopkins

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

6.1 1146-1156 Byron Baseline Road (Z-9172)

(Refer to the Planning and Environment Committee Stage for Consideration with Item 6 (3.4) of the 11th Report of the Planning and Environment Committee

- 1. R and D. Dobler, 1142 Byron Baseline Road
- 2. V and T. Wisniewski
- 3. A. Robinet

6.2 Residential Video Surveillance By-law

(Refer to the Community and Protective Services Committee Stage for Consideration with Item 7 (4.2) of the 8th Report of the Community and Protective Services Committee)

1. S. Powell

6.3 MADD Canada Memorial Sign Request

(Refer to the Civic Works Committee Stage for Consideration with Item 9 (4.2) of the 9th Report of the Civic Works Committee)

1. L. Ochoa, MADD London Chapter

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelosa, A. Kayabaga, and S. Hillier

Absent: (1): S. Lewis

Motion Passed (14 to 0)

7. Motions of Which Notice is Given

None.

8. Reports

8.1 10th Report of the Planning and Environment Committee

Motion made by: M. Cassidy

That the 10th Report of the Planning and Environment Committee BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelosa, A. Kayabaga, and S. Hillier

Absent: (1): S. Lewis

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: M. Cassidy

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) Affordable Housing Development Toolkit: Update Report

Motion made by: M. Cassidy

That, on the recommendation of the Director, City Planning and City Planner, the staff report dated July 13, 2020 entitled "Affordable Housing Development Toolkit: Update Report" BE RECEIVED for information.

Motion Passed

3. (2.2) Implementing Additional Residential Units Requirements of the Planning Act (Bill 108) - Information Report

Motion made by: M. Cassidy

That, on the recommendation of the Director, City Planning and City Planner, with respect to the Official Plan and Zoning By-law review initiated by The Corporation of the City of London, relating to all lands within the City of London, and involving Official Plan Amendments to revise policies related to additional residential units and Zoning By-law Amendments to revise regulations related to additional residential units, the staff report dated July 13, 2020 entitled "Implementing Additional Residential Units Requirements of the Planning Act (Bill 108) - Information Report City-wide/City of London" and draft London Plan, 1989 Official Plan and Zoning By-law amendments to implement Provincial Planning Act (Bill 108 - More Homes, More Choices Act.) changes BE CIRCULATED for public review in advance of the Public Participation Meeting to be held at a future date.

Motion Passed

4. (2.5) 8447-8473 Longwoods Road (H-9184) (Relates to Bill No. 226)

Motion made by: M. Cassidy

That, on the recommendation of the Director, Development Services, based on the application by Adriano and Francesca Monopoli, relating to the property located at 8447-8473 Longwoods Road, the proposed by-law appended to the staff report dated July 13, 2020 BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning for a portion of the subject lands FROM a Holding Residential R1 (h-195*R1-14) Zone TO a Residential R1 (R1-14) Zone to remove the "h-195" holding provision.

Motion Passed

5. (2.6) Summerside Phase 12B - Stage 3 Subdivision - Special Provisions

Motion made by: M. Cassidy

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Greengate Village Limited, for the subdivision of land over Part of Lots 13 and 14, Concession 1, (Geographic Township of Westminster), situated on the northeast corner of Bradley Avenue and Meadowgate Boulevard:

- a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Greengate Village Limited, for the Summerside Subdivision Phase 12B, Stage 3 (39T-07508) appended to the staff report dated July 13, 2020 as Appendix "A", BE APPROVED;
- b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated July 13, 2020 as Appendix "B"; and,
- c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Motion Passed

6. (2.7) Building Division Monthly Report for May 2020

Motion made by: M. Cassidy

That the Building Division Monthly Report for the month of May, 2020 BE RECEIVED for information.

Motion Passed

7. (2.3) Conservation Master Plan for Meadowlily Woods Environmentally Significant Area

Motion made by: M. Cassidy

That, on the recommendation of the Director, Planning and City Planner, the following actions be taken with respect to the Conservation Master Plan for the Meadowlily Woods Environmentally Significant Area:

a) the Conservation Master Plan for the Meadowlily Woods Environmentally Significant Area appended to the staff report dated July 13, 2020, BE RECEIVED for information; and,

b) the members of the Environmental and Ecological Planning Advisory Committee and the community BE THANKED for their work in the review and comments on the document;

it being noted that staff will initiate an Official Plan Amendment and Zoning By-law amendment to adopt the Conservation Master Plan for the Meadowlily Woods Environmentally Significant Area and to amend the updated Environmentally Significant Area boundary identified in the Conservation Master Plan; and,

it being further noted that the Planning and Environment Committee reviewed and received a communication dated July 9, 2020 from G. Smith, Friends of Meadowlily Woods with respect to this matter.

Motion Passed

8. (2.4) Environmental Studies, Private Land & Eastern Meadowlark Habitat

Motion made by: M. Cassidy

That, on the recommendation of the Director, City Planning and City Planner, the staff report dated July 13, 2020 entitled "Environmental Studies, Private Land and Eastern Meadowlark", responding to the Municipal Council resolution adopted on November 13, 2019, with respect to these matters BE RECEIVED for information.

Motion Passed

9. (3.1) Application - 442 Third Street (Z-9158) (Relates to Bill No. 227)

Motion made by: M. Cassidy

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Forever Homes, relating to the property located at 442 Third Street:

- a) the proposed, revised, ~~attached~~ by-law BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R2 (R2-3) Zone TO a Residential R6 Special Provision (R6-5(_)) Zone; and,
- b) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-law as the changes are minor in nature;

it being noted that the following Site Plan matters pertaining to 442 Third Street have been identified during the review of the application:

- i) construction of a wood, board on-board privacy fencing for the extent of the north, east and south perimeter, with a minimum height of 2.13m (7ft);
- ii) interior garbage storage if possible, or appropriately located and enhanced screening for outdoor garbage storage;
- iii) the provision outdoor lighting fixtures within parking areas that will minimize light trespass onto adjacent properties;
- iv) maximize tree preservation and retention on the subject lands; and,
- v) orient Unit 1 to Third Street by encouraging the principle building entrance and front porch to face the street;

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

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

- the recommended amendment is consistent with the policies of the Provincial Policy Statement 2014 which promote infill and the efficient use of land;
- the recommended amendment is in conformity with the in-force policies of The London Plan, including but not limited to, the Our City policies;
- the recommended amendment is in conformity with the in-force policies of the 1989 Official Plan, including but not limited to, the Low Density Residential designation policies; and,
- the recommended amendment facilitates the development of an underutilized site with an appropriate form of development.

Motion Passed

10. (3.2) Demolition Request for Heritage Listed Properties at 74 Wellington Road and 78 Wellington Road

Motion made by: M. Cassidy

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the properties located at 74 Wellington Road and 78 Wellington Road BE REMOVED from the Register of Cultural Heritage Resources;

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

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

Motion Passed

11. (3.3) Application - 1339-1347 Commissioners Road West (SPA19-116)

Motion made by: M. Cassidy

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Milan Starcevic, relating to the property located at 1339-1347 Commissioners Road West:

- a) the Approval Authority BE ADVISED that no issues were raised at the public participation meeting with respect to the application for Site Plan Approval to permit the construction of a five storey, 34 unit apartment building for the properties located at 1339-1347 Commissioners Road West relating to the proposed property;
- b) the Approval Authority BE ADVISED that the Municipal Council supports the Site Plan Application SUBJECT TO the following:
 - i) review the lighting and the wattage of the lighting by the underground parking and any potential impacts on the neighbouring condominium development; and,
 - ii) temporary shielding of the light while the trees are growing in;

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

- a presentation from H. Froussios, Zelinka Priamo Ltd.; and,
- a communication dated July 8, 2020 from E. Hopkins, B. Nuttall and S. Squires, on behalf of the Condominium Board 1337 Commissioners Road West;

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

Motion Passed

12. (3.4) Application - 536-542 Windermere Road (SPA19-098)

Motion made by: M. Cassidy

That, on the recommendation of the Director, Development Services, the following actions BE TAKEN with respect to the application of 2492222 Ontario Inc, relating to the property located at 536-542 Windermere Commissioners Road West:

- a) the Approval Authority BE ADVISED that no issues were raised at the public participation meeting with respect to the application for Site Plan Approval to permit the construction of two back-to-back townhouse buildings each with six-units, relating to lands located at 536 to 542 Windermere Road; and,
- b) the Approval Authority BE ADVISED that the Municipal Council supports issuing Site Plan Application for the subject property;

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

- a communication dated July 3, 2020 from W. Fisher;
- a communication dated July 3, 2020 from D. Leckie, 138 Orkney Crescent;
- a communication dated July 3, 2020 from F. Rodger, 131 Orkney Crescent;
- a communication dated July 3, 2020 from J. Levy, 147 Orkney Crescent; and,
- a communication dated July 7, 2020 from M. Lewis, 47 Orkney Crescent;

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

Motion Passed

8.2 11th Report of the Planning and Environment Committee

Motion made by: M. Cassidy

That the 11th Report of the Planning and Environment Committee BE APPROVED, excluding items 2 (2.1), 6 (3.4), 7 (3.5) and 8 (4.1).

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: M. Cassidy

That it BE NOTED that Councillor M. Cassidy disclosed a pecuniary interest in clauses 2.1 and 3.5 of this Report, having to do with the property located at 307 Fanshawe Park Road East, by indicating that her family owns property in the area.

Motion Passed

3. (3.1) London Plan Housekeeping Amendment (O-9173) (Relates to Bill No. 223)

Motion made by: M. Cassidy

That, on the recommendation of the Director, City Planning and City Planner, with respect to the proposed amendment to The London Plan to correct errors and omissions and to add Council-approved, in-force amendments to the 1989 Official Plan to The London Plan, the proposed by-law appended to the staff report dated July 15, 2020 BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020 to amend various policies of The London Plan to correct errors and omissions and to add Council-approved amendments to the 1989 Official Plan to The London Plan;

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

it being further noted that the Municipal Council approves this application as the purpose and effect of the amendment is to improve clarity and consistency in policies and mapping throughout The London Plan. It will further recognize planning decisions that have been made since the approval of The London Plan but have not been implemented in the Plan due to the status of appeals, which did not allow City Council the ability to make amendments to appealed portions of the Plan.

Motion Passed

4. (3.2) Amend Section 4.11 (Household Sales) in Zoning By-law Z-1 (Z-9166) (Relates to Bill No. 228)

Motion made by: M. Cassidy

That, on the recommendation of the Director, City Planning and City Planner, based on the application by The Corporation of the City of London, relating to a City-wide review to permit the sale of agricultural products grown on a premises, the proposed by-law appended to the staff report dated July 15, 2020 BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to amend Section 4.11(Household Sales) to permit the sale of agricultural products;

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

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

- the recommended amendment to Zoning By-law Z.-1 is consistent with the Provincial Policy Statement (2014);
- the recommended amendment to Zoning By-law Z.1 conforms to the 1989 Official Plan and to The London Plan, including the policies of the Food Systems chapter, and provides for appropriate uses on these sites;
- the recommended amendment to Zoning By-law Z-1 will allow sales of agricultural products from premises that have a dwelling unit;
- the zoning by-law amendment helps implement one of the goals of the Urban Agriculture Strategy to make fresh produce more available to the general public; and,
- the recommended amendment to Zoning By-law Z.-1 will allow the sale of agricultural products grown on properties located within the Urban Growth Boundary to be sold by residents on the property.

Motion Passed

5. (3.3) Part of 65 Brisbin Street (Z-9195) (Relates to Bill No. 229)

Motion made by: M. Cassidy

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by The Corporation of the City of London, relating to a part of the property located at 65 Brisbin Street:

a) consistent with Policy 43_1 of The London Plan, the subject lands, representing a part of 65 Brisbin Street, BE INTERPRETED to be located within the Neighbourhoods Place Type; and,

b) the proposed by-law appended to the staff report dated July 15, 2020 BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Open Space (OS1) Zone TO a Residential R2 (R2-2) Zone;

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

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

- the proposed amendment is consistent with the Provincial Policy Statement, 2020;
- the proposed amendment conforms to the in-force policies of The London Plan;
- the proposed amendment conforms to the in-force policies of 1989 Official Plan;
- the proposed amendment represents good planning and removes a land use conflict between 81 Brisbin Street and 83 Brisbin Street; and,
- the proposed amendment facilitates functional improvements to the residential use at 81 Brisbin Street.

Motion Passed

2. (2.1) Request for Council Resolution, under section 45(1.4) of the Planning Act, R.S.O. 1990, c. P.13 - 307 Fanshawe Park Road East

Motion made by: S. Turner

That items 2 (2.1) and 7 (3.5) BE APPROVED.

Yeas: (13): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier

Recuse: (1): M. Cassidy

Absent: (1): S. Lewis

Motion Passed (13 to 0)

That, the following actions be taken with respect to the property located at 307 Fanshawe Park Road East:

a) on the recommendation of the City Clerk, the report dated July 15, 2020 and entitled "Request for Council Resolution, under section 45(1.4) of the Planning Act, 1990, c. P.13 - 307 Fanshawe Park Road East" BE RECEIVED for information; and,

b) the Managing Director, Development and Compliance Services and Chief Building Official BE AUTHORIZED to accept a Minor Variance application for the purpose of amending the definition of Stacked Townhouse relating to the property located at 307 Fanshawe Park Road East.

7. (3.5) 307 Fanshawe Park Road East (SPA20-029)

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by 1423197 Ontario Inc., relating to the property located at 307 Fanshawe Park Road East:

a) the Approval Authority BE ADVISED that the following issues were raised at the public participation meeting with respect to the application for Site Plan Approval to facilitate the construction of the proposed residential development:

- i) tree and hedge preservation;
- ii) concerns relating to the lack of privacy;
- iii) the size and location of the proposed snow storage sheds;
- iv) the proposed central amenity space;
- v) the location and number of parking spots;
- vi) the mass, setbacks and form of the proposed development;
- vii) water runoff onto neighbouring properties;
- viii) sewage being diverted to Camden Place instead of Fanshawe Park Road East;
- ix) encroachments to the setbacks;
- x) lighting concerns;
- xi) fencing inquiries;
- xii) request for a board-on-board fence around the entire development; and,
- xiii) vehicular access to the site;

b) the Approval Authority BE ADVISED that Municipal Council supports the Site Plan Application SUBJECT TO the trees 6, 14, 21, 31, 36 and 60 specifically being retained;

it being noted that the development, as proposed, conforms to the requirements of the Council resolution dated October 2, 2019, specifically the requirement for the protection and preservation of the trees; and,

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

- a presentation from D. Hannam, Zelinka Priamo Ltd.;
- a presentation from the Old Stoneybrook Community Association; and,
- a communication dated June 30, 2020 from G. McGinn-McTeer;

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

6. (3.4) 1146-1156 Byron Baseline Road (Z-9172) (Relates to Bill No. 230)

Motion made by: M. Cassidy

That, on the recommendation of the Director, Development Services, based on the application by 2186121 Ontario Inc., relating to the property located at 1146-1156 Byron Baseline Road, the revised, ~~attached~~, proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R1

(R1-7) Zone TO a Holding Residential R5 Special Provision (h-5*h-183*R5-7(_)) Zone;

it being noted that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:

- i) enhanced provision of boundary landscaping along the east, west, and south property boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities;
- ii) location of a deep well waste storage system outside of the easement area;
- iii) building orientation towards Byron Baseline Road;
- iv) parking lot design, including landscape islands and generous separation between the parking lot and easterly property line;
- v) provision of an adequately-sized outdoor amenity area in a central location; and,
- vi) the retention of as many trees on the property as possible;

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

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Neighbourhoods Place Type;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Low Density Residential designation; and,
- the recommended amendment facilitates the development of a vacant, underutilized site within the Built-Area Boundary with an appropriate form of infill development.

Yeas: (13): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, P. Van Meerbergen, S. Turner, E. Pelosa, A. Kayabaga, and S. Hillier

Nays: (1): A. Hopkins

Absent: (1): S. Lewis

Motion Passed (13 to 1)

8. (4.1) Silverleaf Subdivision Sidewalk Installation

At 4:23 PM, His Worship Mayor E. Holder places Councillor J. Helmer in the Chair and takes a seat at the Council Board.

At 4:28 PM, His Worship Mayor E. Holder, resumes the Chair and Councillor J. Helmer takes a seat at the Council Board.

Motion made by: M. Cassidy

That the communication from R. Galizia, with respect to the proposed sidewalks in the Silverleaf subdivision BE RECEIVED

and no further action be taken; it being noted that a petition signed by approximately 41 individuals is on file in the City Clerk's Office, with respect to this matter.

Yeas: (8): M. van Holst, M. Salih, J. Helmer, M. Cassidy, A. Hopkins, S. Turner, E. Pelozo, and A. Kayabaga

Nays: (6): Mayor E. Holder, P. Squire, J. Morgan, S. Lehman, P. Van Meerbergen, and S. Hillier

Absent: (1): S. Lewis

Motion Passed (8 to 6)

8.3 8th Report of the Community and Protective Services Committee

Motion made by: P. Squire

That the 8th Report of the Community and Protective Services Committee BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier

Absent: (1): S. Lewis

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: P. Squire

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) Housing Quarterly Report

Motion made by: P. Squire

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Dearness Home, that the following actions be taken with respect to the Housing Quarterly Report:

a) the staff report dated July 15, 2020 BE CIRCULATED to stakeholders, agencies, and community groups including, but not limited to: Middlesex County, London Housing Advisory Committee, and the London Homeless Coalition; and,

b) the above-noted report BE RECEIVED. (2020-S11)

Motion Passed

3. (2.2) 2019-2022 Multi-Sector Service Accountability Agreement - Dearness Home Adult Day Program and the South West Local Health Integration Network - Declaration of Compliance - April 1, 2019-March 31, 2020

Motion made by: P. Squire

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Dearness Home, the Acting Managing Director, Housing, Social Services and Dearness Home BE AUTHORIZED to execute the Declaration of Compliance, as

appended to the staff report dated July 15, 2020, for the reporting period April 1, 2019 to March 31, 2020 with respect to compliance with the terms of the 2019-2022 Multi-Sector Service Accountability Agreement for the Dearness Home Adult Day Program. (2020-S12)

Motion Passed

4. (2.3) Urgent Transitional and Modular Supported Housing Development

Motion made by: P. Squire

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Dearness Home, the following actions be taken with respect to the staff report dated July 15, 2020 to support a strategy to secure and develop up to 26 temporary transitional supportive units and up to 150 supported affordable housing units:

a) the Civic Administration BE AUTHORIZED to implement the short term temporary transitional supportive elements of the strategy; it being noted that these activities will be funded within existing approved Community Homeless Prevention Initiative (CHPI) funding; and,

b) the Civic Administration BE DIRECTED to continue preliminary investigation of the modular and stick build supportive housing development strategy including discussions with other levels of government about potential funding support. (2020-S11)

Motion Passed

5. (2.4) Long Term Care Service Agreement with Lifelabs for the Provision of Laboratory Services at the Dearness Home (Relates to Bill No. 222)

Motion made by: P. Squire

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Dearness Home, the proposed by-law, as appended to the staff report dated July 15, 2020, BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020, to:

a) approve the Long-Term Care Services Agreement, as appended to the above-noted by-law, to be entered into between The Corporation of the City of London and Lifelabs regarding services to be provided to the residents of the Dearness Home;

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

c) authorize the Civic Administration to undertake all administrative acts in connection with the above-noted Agreement. (2020-S03)

Motion Passed

6. (4.1) Joan's Place New Addition Campaign

Motion made by: P. Squire

That the Mayor BE REQUESTED to advocate the capital campaign of the Youth Opportunities Unlimited Joan's Place New Addition to the Provincial and Federal governments; it being noted that the communication from S. Cordes, Youth Opportunities Unlimited, dated June 23, 2020, with respect to this matter, was received. (2020-S11)

Motion Passed

7. (4.2) Residential Video Surveillance By-law

Motion made by: P. Squire

That the communication, dated July 2020, from D. Johnstone, with respect to a by-law to protect individuals being video recorded in their own private residential backyards BE REFERRED to the Civic Administration for review and a report back at a future meeting of the Community and Protective Services Committee with a delegation from D. Johnstone at that time. (2020-P00)

Motion Passed

8. (5.1) Deferred Matters List

Motion made by: P. Squire

That the following actions be taken with respect to the Deferred Matters List, as at June 23, 2020:

- a) item number 10, with respect to Tow Truck Operator Licence – Business Licence By-law L.131-16, BE UPDATED to reflect a report back to the Community and Protective Services Committee in Q4 of 2020; and,
- b) the above-noted Deferred Matters List BE RECEIVED.

Motion Passed

8.4 12th Report of the Corporate Services Committee

Motion made by: A. Kayabaga

That the 12th Report of the Corporate Services Committee BE APPROVED, excluding item 10 (5.1).

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: A. Kayabaga

Councillor A. Hopkins discloses a pecuniary interest in item 2.8, having to do with the Employee Absenteeism 2019 Report, by indicating that her son is an employee of the City of London and a member of CUPE 107.

Motion Passed

2. (2.1) Postponement - Annual Retirement Dinner and 25-Year Club Reception

Motion made by: A. Kayabaga

That, on the recommendation of the City Manager, the following actions be taken with respect to the Annual Retirement Dinner and 25-Year Club Reception:

a) the staff report dated July 13, 2020 entitled “Postponement – Annual Retirement Dinner and 25-Year Club Reception, BE RECEIVED; and

b) notwithstanding Council Policy “Receptions and Dinners for Retirement, 25-Year Club and Other Civic Occasions”, the Civic Administration BE DIRECTED to reschedule the 2020 Annual Retirement Dinner and 25-Year Club Reception in 2021 when the Medical Officer of Health and the Province of Ontario have lifted restrictions to provide for the event to be safely held.

Motion Passed

3. (2.2) RFP 20-22 Sharepoint Online Migration

Motion made by: A. Kayabaga

That, on the recommendation of the Director, Information Technology Services, City Manager’s Office, and with the concurrence of the City Clerk, Legal and Corporate Services, the following actions be taken with respect to the SharePoint Online Migration:

a) the proposal submitted by Elantis Solutions, 10123 – 99 Street, Suite 400, Edmonton, Alberta, J5J 3H1, for the SharePoint Online Migration BE ACCEPTED in accordance with the Procurement of Goods and Services Policy;

b) the financing for this project BE APPROVED as set out in the Sources of Financing Report as appended to the staff report dated July 13, 2020, hereto, as Appendix A;

c) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this purchase: and,

d) the approval hereby given BE CONDITIONAL upon the Corporation entering into a formal contract, agreement or having a purchase order relating to the subject matter of this approval.

Motion Passed

4. (2.4) Business Improvement Areas - Financial Measures to Respond to COVID-19

Motion made by: A. Kayabaga

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the staff report dated July 13, 2020 regarding Business Improvement Areas - Financial Measures to Respond to COVID-19 BE RECEIVED for information.

Motion Passed

5. (2.5) Elimination of Vacant and Excess Land Subclasses Tax Reductions (Relates to Bill No. 220)

Motion made by: A. Kayabaga

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer and Chief Financial Officer, the following actions be taken with respect to the elimination of vacant and excess land subclasses tax reductions:

- a) the staff report dated July 13, 2020 entitled “Elimination of Vacant and Excess Land Subclasses Tax Reductions”, BE RECEIVED; and,
- b) the City Clerk BE DIRECTED to bring forward for Municipal Council’s consideration the proposed by-law, as appended to the staff report as Appendix “A” being “A by-law to eliminate the subclass tax reduction in accordance with subsection 313 (1.3) of the Municipal Act, 2001, as amended, for vacant and excess land in the commercial and industrial property classes for 2020 and subsequent years at such time as the Provincial Regulation related to this matter, is in effect.

Motion Passed

6. (2.7) Declare Surplus - Portion of City-Owned Land -124 Cavendish Crescent

Motion made by: A. Kayabaga

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, with respect to a portion of City-owned land located on south side of Cavendish Crescent, abutting the west side of 124 Cavendish Crescent, described as Part of Lot 16, Part Lots 15, 14 and 13, Plan 308 (W), as in W10912; Part Lot 15, Plan 308(W), as in ED38082, being part of PIN 080770394, as shown on Schedule “A” of the staff report (the “Property”), the following actions be taken:

- a) the subject property BE DECLARED SURPLUS; and,
- b) the subject property (“Surplus Lands”) BE TRANSFERRED to the abutting property owner at 124 Cavendish Crescent, in accordance with the City’s Sale and Other Disposition of Land Policy.

Motion Passed

7. (2.3) 2019 Investment Report

Motion made by: A. Kayabaga

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer:

- a) the 2019 Investment Report, providing a summary of the performance of the City of London’s investment portfolio, BE RECEIVED for information; and,
- b) the Investment Policy attached as Appendix “B” to the staff

report dated July 13, 2020 BE RECEIVED for information; it being noted that the Civic Administration is not recommending any revisions to the policy at this time.

Motion Passed

8. (2.6) Industrial Land Development Strategy - Annual Monitoring and Pricing Report - City-Owned Industrial Land

Motion made by: A. Kayabaga

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services with respect to the City of London's Industrial Land Development Strategy, the following actions be taken with respect to the annual monitoring and pricing of City-owned industrial lands:

a) the staff report dated July 13, 2020 entitled "Industrial Land Development Strategy Annual Monitoring and Pricing Report – City-Owned Industrial Land", BE RECEIVED and;

b) NO ACTION BE TAKEN at this time to adjust the current pricing of the City-owned industrial land from the following prices that were established October 1, 2018:

Pricing for serviced industrial land in Innovation Park, Skyway Industrial Park, River Road Industrial Park and Cuddy Boulevard Parcels:

- Lots up to 3.99 acres \$80,000.00 per acre
- 4.00 acres and up \$70,000.00 per acre

Pricing for serviced industrial land in Trafalgar Industrial Park:

- All Lot sizes - \$ 65,000.00 per acre.

Motion Passed

9. (2.8) Employee Absenteeism 2019

Motion made by: A. Kayabaga

That, on the recommendation of the Director of People Services, that the staff report dated July 13, 2020 regarding Employee Absenteeism 2019 BE RECEIVED for information purposes.

Motion Passed

11. (5.2) Declaration of Mutual Commitment and Friendship with Ontario Federation of Indigenous Friendship Centres

Motion made by: A. Kayabaga

WHEREAS London is working with the N'Amerind Friendship Centre;

WHEREAS the N'Amerind Friendship Centre has been an active contributor to the well being of residents in the community;

WHEREAS London has a good and ongoing relationship with the N'Amerind Friendship Centre and wants to set a leading example in the area of Indigenous relations by demonstrating overlapping community interest and work;

WHEREAS the City of London and the N’Amerind Friendship Centre have signed a Memo of Understanding to formally strengthen the relationship between the administrations of N’Amerind and the City of London and to achieve greater impact in the lives of urban Indigenous people in the City of London through strategically partnering resources and sharing expertise when possible;

WHEREAS the Association of Municipalities of Ontario (AMO) and the Ontario Federation of Indigenous Friendship Centres (OFIFC) Declaration of Mutual Commitment and Friendship reflects the municipality’s understanding of and working relationship with Indigenous people in the community;

WHEREAS the N’Amerind Friendship Centre is contemplating the signing of this declaration and participation in related concurrent activities during the virtual AMO Conference in August of 2020;

THEREFORE IT BE RESOLVED THAT London City Council authorizes the Mayor to sign in conjunction with the N’Amerind Friendship Centre the joint AMO-OFIFC Declaration of Mutual Commitment and Friendship on behalf of the municipality and participate it related concurrent activities during the AMO 2020 Conference;

AND THAT Council direct staff to work with AMO in order to coordinate the declaration signing and related concurrent activities in advance of the AMO 2020 Conference.

Motion Passed

10. (5.1) Remuneration for Elected Officials and Appointed Citizens

Motion made by: A. Kayabaga

That, notwithstanding the provisions of the Council Policy "Remuneration for Elected Officials and Appointed Citizen Members", the remuneration for elected officials and appointed citizens, NO INCREASE to remuneration for elected officials for appointed citizens be made for 2020.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

8.5 9th Report of the Civic Works Committee

Motion made by: S. Lehman

That the 9th Report of the Civic Works Committee, excluding items 6 (2.4) and 7 (2.6), BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 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) Upper Thames River Conservation Authority and City of London Flood Protection Projects: West London Dyke Phase 7

Motion made by: S. Lehman

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the City of London's contribution to infrastructure:

a) the Upper Thames River Conservation Authority BE AUTHORIZED to carry out the following projects, with the City share in the total amount of \$2,070,704, including contingency (excluding HST); it being noted that the requirements of this provincial funding program are unique, in that only conservation authorities can apply, requiring 14.3.a) of the Procurement of Goods and Services Policy:

i) West London Dyke Phase 7 Reconstruction; and,

ii) West London Dyke Phase 7 UTRCA Project Management Fees;

b) the financing for this work BE APPROVED as set out in the Sources of Financing Report, as appended to the staff report dated July 14, 2020; and,

c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary to give effect to these recommendations. (2020-E21)

Motion Passed

3. (2.2) Appointment of Consulting Engineers - Infrastructure Renewal Program

Motion made by: S. Lehman

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the appointment of consulting engineers for the Infrastructure Renewal Program:

a) the following consulting engineers BE APPOINTED to carry out consulting services for the identified 2021 Infrastructure Renewal Program funded projects, at the upset amounts identified below, in accordance with the estimates on file, and in accordance with Section 15.2(e) of the City of London's Procurement of Goods and Services Policy:

i) Stantec Consulting Limited BE APPOINTED consulting engineers to complete the pre-design, detailed design and construction administration of the 2021 Infrastructure Renewal Program Assignment A, Mornington Pond Expansion, in the total amount of \$633,183.39, including contingency (excluding HST);

- ii) AECOM Canada Limited BE APPOINTED consulting engineers to complete the pre-design and detailed design of 2021 Infrastructure Renewal Program Assignment B, Burlington Street Reconstruction, Burlington Crescent to Scenic Drive and Paymaster Avenue, all, in the total amount of \$199,991.00, including contingency (excluding HST);
- iii) Archibald, Gray and McKay Engineering Limited BE APPOINTED consulting engineers to complete the pre-design, detailed design construction administration of 2021 Infrastructure Renewal Program Assignment C, Brydges Street from Egerton Street to Highbury Avenue, Swinyard Street (all) and Muir Street (all) reconstruction, in the total amount of \$559,900.00, including contingency (excluding HST);
- iv) Development Engineering (London) Limited BE APPOINTED consulting engineers to complete the pre-design, detailed design and construction administration of 2021 Infrastructure Renewal Program Assignment D, Foster Avenue from Riverside Drive to Upper Avenue and Upper Avenue from Riverside Drive to Foster Avenue reconstruction, in the total amount of \$253,600.99, including contingency (excluding HST);
- v) Archibald, Gray and McKay Engineering Limited BE APPOINTED consulting engineers to complete the pre-design, detailed design and construction administration of 2021 Infrastructure Renewal Program Assignment E, Wortley Road from Briscoe Street to Devonshire Avenue reconstruction in the total amount of \$361,982.50, including contingency (excluding HST);
- vi) Spriet Associates (London) Ltd BE APPOINTED consulting engineers to complete the pre-design, detailed design and construction administration of 2021 Infrastructure Renewal Program Assignment F, Calgary Street from Churchill Avenue to Dundas Street reconstruction in the total amount of \$375,910.70, including contingency (excluding HST);
- b) the financing for the projects identified in a) above BE APPROVED in accordance with the Sources of Financing Report, as appended to the staff report dated July 14, 2020;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this work;
- d) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract with each consultant for the respective project; 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. (2020-D19)

Motion Passed

- 4. (2.3) Contract for the Operation of the City's Materials Recovery Facility - Single Source (Relates to Bill No. 221)

Motion made by: S. Lehman

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the provision of Material Recovery Facility (MRF) Operations services:

a) the proposed by-law, as appended to the staff report dated July 14, 2020, BE INTRODUCED at the Municipal Council meeting on July 21, 2020 to:

i) approve an Agreement between The Corporation of the City of London and Miller Waste Systems Inc., 8050 Woodbine Avenue Markham, ON, L3R 2N8, to operate and maintain the City's Materials Recovery Facility and market the recyclable materials; and,

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

b) the single source negotiated price BE ACCEPTED to hire Miller Waste Systems Inc., to remove the existing cyclone and plastic container perforator and replace them with a new glass breaker and plastic container perforator at a total estimated price of \$609,679.57 (plus HST);

c) the financing for the project BE APPROVED in accordance with the Source of Financing Report, as appended to the staff report dated July 14, 2020;

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

e) the approval, hereby given, BE CONDITIONAL upon the Corporation entering into a formal contract or having a purchase order, or contract record relating to the subject matter of this approval. (2020-E03)

Motion Passed

5. (2.5) Pilot Project Technology for Air and Odour Monitoring in South London - Request to Negotiate a Single Source Agreement

Motion made by: S. Lehman

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the Civic Administration BE DIRECTED to negotiate a single source agreement for the procurement of air and odour monitoring equipment and technical reporting services, as per Section 14.4(e) of the Procurement of Goods and Services Policy, with EnviroSuite Limited for a term of up to three years, with two one-year extension options at the sole discretion of the City; it being noted that the final contract will be subject to approval by the Municipal Council, and that the Civic Administration will report back on:

a) the outcome of the negotiation with EnviroSuite Limited;

b) the final details and costs of the Pilot Project, including how the City will be participating and the potential benefits to the community; and,

c) the benefits of the Pilot Project and its role in addressing elements of the Environmental Assessment for the Expansion of the W12A Landfill, current landfill operations and future operations. (2020-E05)

Motion Passed

8. (4.1) Contract Award: RFT 20-59 - 2020 Infrastructure Renewal Program Contract 12 - Highway Avenue and Lambeth Avenue

Motion made by: S. Lehman

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the award of contracts for the 2020 Infrastructure Renewal Program, Contract 12 – Highway Avenue and Lambeth Avenue:

- a) the bid submitted by 2044970 Ontario Inc. (All Seasons Excavating), at its tendered price of \$3,292,000.00 (excluding HST) for the above-noted contract, BE ACCEPTED; it being noted that the bid submitted by 2044970 Ontario Inc. was the lowest of six bids received and meets the City's specifications and requirements in all areas;
- b) Spriet Associates Ltd. BE AUTHORIZED to carry out the resident inspection and contract administration for this project, in accordance with the estimate on file, at an upset amount of \$292,545.00 (excluding HST), in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;
- c) the financing for this project BE APPROVED as set out in the Sources of Financing Report, as appended to the staff report dated July 14, 2020;
- d) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- e) the approval given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract, or issuing a purchase order for the material to be supplied and the work to be done, relating to this project (Tender 20-31); and,
- f) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations;

it being noted that City of London staff have agreed to work with the residents of Lambeth Avenue and the third party arborist hired by these homeowners in order to mitigate tree removal due to infrastructure work, where possible;

it being further noted that a verbal delegation from H. Sanderson and C. McCallum with respect to this matter was received. (2020-D19)

Motion Passed

9. (4.2) MADD Canada Memorial Sign Request

Motion made by: S. Lehman

That the following actions be taken with respect to the memorial sign request submitted by Shauna and David Andrews, dated June 1, 2020, and supported by Mothers Against Drunk Driving (MADD) Canada:

- a) the Civic Administration BE DIRECTED to engage in discussions with MADD Canada regarding MADD Canada Memorial Signs and bring forward a proposed Memorandum of Understanding with MADD Canada for Council's approval;

it being noted that MADD will cover all sign manufacturing and installation costs;

it being further noted that the Ministry of Transportation and MADD have set out in this Memorandum of Understanding (“MOU”) the terms and conditions for the placement of memorial signs on provincial highways which is not applicable to municipal roads;

it being further noted that MADD provides messages consistent with the London Road Safety Strategy; and,

b) the Civic Administration BE DIRECTED to work with MADD Canada to find a single permanent location in London for the purpose of memorials. (2020-M00)

Motion Passed

10. (5.1) Deferred Matters List

Motion made by: S. Lehman

That the deferred matters list, as at July 6, 2020, BE RECEIVED.

Motion Passed

6. (2.4) Dundas Place - Thames Valley Parkway Active Transportation Connection - Appointment of Consulting Engineer

Motion made by: S. Lehman

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the appointment of a Consulting Engineer for the construction administration of Dundas Place - Thames Valley Parkway Active Transportation Connection project:

a) IBI Group Professional Services (Canada) Inc. BE AUTHORIZED to carry out the construction inspection and contract administration for this project in the amount of \$323,190.00 (excluding HST), in accordance with Section 15.2 (g) of the Procurement of Goods and Services Policy;

b) the financing for this project BE APPROVED in accordance with the Sources of Financing Report, as appended to the staff report dated July 14, 2020;

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

d) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, as required, to give effect to these recommendations. (2020-T03)

Yeas: (12): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Peloza, and A. Kayabaga

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

Absent: (1): S. Lewis

Motion Passed (12 to 2)

7. (2.6) Contract Award: Tender No. 20-87 Dundas Street Cycle Track

Motion made by: S. Lehman

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the award of Dundas Street Cycle Track construction contract:

- a) the bid submitted by Dufferin Construction Company, A division of CRH Canada Group Inc., at its tendered price of \$3,683,709.53 (excluding HST), BE ACCEPTED; it being noted that the bid submitted by Dufferin Construction Company, A division of CRH Canada Group Inc. was the lowest of two bids received and meets the City's specifications and requirements in all areas;
- b) the financing for this project BE APPROVED as set out in the Sources of Financing Report, as appended to the staff report dated July 14, 2020;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- d) the approval, given herein, BE CONDITIONAL upon the Corporation entering into a formal contract for the material to be supplied and the work to be done relating to this project (Tender 20-87); 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. (2020-T03)

Yeas: (11): Mayor E. Holder, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozza, and A. Kayabaga

Nays: (3): M. van Holst, P. Van Meerbergen, and S. Hillier

Absent: (1): S. Lewis

Motion Passed (11 to 3)

8.6 13th Report of the Strategic Priorities and Policy Committee

Motion made by: J. Helmer

That the 13th Report of the Strategic Priorities and Policy Committee BE APPROVED, excluding items 5(2.4) and 10 (5.2).

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

Absent: (1): S. Lewis

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: J. Helmer

Councillor S. Turner discloses a pecuniary interest in the added item 5.2, having to do with potential additional legislative actions to prevent the spread of COVID-19, by indicating that the matter concerns the Medical Officer of Health, Middlesex-London Health Unit, which is his employer. Councillor S. Turner further discloses a pecuniary interest in item 2.1 having to do with the Core Area Action Plan

2020 Progress Update, specifically related to those components having to do with the Middlesex-London Health Unit (MLHU), because he is an employee of the MLHU.

Councillor J. Morgan discloses a pecuniary interest in item 2.4 - 2nd Report of the Rapid Transit Implementation Working Group, specific to item 3.2 - North Corridor, by indicating that he is an employee of Western University, which will be impacted by this.

Councillor J. Helmer discloses a pecuniary interest in item 2.4 - 2nd Report of the Rapid Transit Implementation Working Group, specific to item 3.2 - North Corridor, by indicating that he anticipates being an employee of Western University, which will be impacted by this.

Councillor S. Lehman discloses a pecuniary interest in item 2.4 - 2nd Report of the Rapid Transit Implementation Working Group, specific to item 3.2 - North Corridor, by indicating that he owns a business on Richmond Row.

Motion Passed

2. (2.1) Core Area Action Plan - 2020 Progress Update

Motion made by: J. Helmer

That the following actions be taken with respect to the Core Area Action Plan:

- a) the staff report dated July 14, 2020 BE RECEIVED for the purpose of providing Municipal Council with an update on the progress of the implementation of the Core Area Action Plan; and,
- b) the modified operating budget for 2020 components of the Core Area Action Plan 2020-2023 Additional Investment business case, as identified in the staff report dated July 14, 2020, BE APPROVED.

Motion Passed

3. (2.2) London Community Recovery Network

Motion made by: J. Helmer

That, on the recommendation of the City Manager, the following actions be taken regarding the London Community Recovery Network:

- a) the London Community Recovery Network (LCRN) BE ENDORSED as a model to coordinate London's community recovery from COVID-19, including Council membership on the sector/issue/theme discussion tables;
- b) the Civic Administration BE DIRECTED to work with the Mayor and Council to constitute the LCRN as soon as possible to begin London's community recovery efforts; and,
- c) the staff report on the London Community Recovery Network BE RECEIVED.

Motion Passed

4. (2.3) London Economic Development Corporation (LEDC) Activity Update 2019

Motion made by: J. Helmer

That the London Economic Development Corporation Activity Update 2019 BE RECEIVED for information.

Motion Passed

6. (3.1) 2021 Development Charges Update Covering Report and Proposed By-law

Motion made by: J. Helmer

That, on the recommendation of the Managing Director, Corporate Services & City Treasurer, Chief Financial Officer, the 2021 Development Charges Background Study Update and the proposed 2021 Development Charges By-law BE RECEIVED;

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

. Mike Wallace, London Development Institute – 100% support of the staff report under consideration; noting that Bill 197 means that there is more work to be done; advising that they are happy with the discussion and that staff have been helpful; noting that the organization may have additional comments as this continues to evolve.

. Anna Maria Valastro, 133 John Street, Unit 1 – expressing concern related to Bills 108 and 197, in the ability to undercut local controls and requirements related environmental needs and community benefits; asking about rationalization of development charges and community benefit charges include means to off-set negative impacts of intensification, and require the support for city initiatives such as the urban forest strategy, climate change strategy, etc. and suggesting that the public-at-large be considered an active stake-holder in the process.

Motion Passed

7. (4.1) Resignation from Eldon House Board of Directors

Motion made by: J. Helmer

That the following actions be taken with respect to the Eldon House Board of Directors:

a) the communication dated June 17, 2020 from Mark Tovey from Eldon House BE ACCEPTED; and,

b) the Civic Administration BE DIRECTED to consult with the current Eldon House Board, with respect to potential membership requirements and undertake candidate recruitment for consideration accordingly.

Motion Passed

8. (4.2) Argyle Business Improvement Association

Motion made by: J. Helmer

That the following actions be taken with respect to Argyle Business Improvement Association:

- a) the resignation of Erik Lasch BE ACCEPTED; and,
- b) Dan Eminger and Frank Boutzis BE APPOINTED for the term ending November 15, 2022.

Motion Passed

9. (5.1) Making Anti-Racism a Strategic Priority

Motion made by: J. Helmer

That the following actions be taken with respect to making anti-racism a strategic priority:

- a) the mandate of the Strategic Priorities and Policy Committee BE AMENDED to include “Anti-racism, diversity, inclusion and anti-oppression” as a new bullet point under Strategic Initiatives;
- b) the terms of reference for the Diversity, Inclusion and Anti-Oppression Advisory Committee (DIAAC) be amended to replace “Community and Protective Services Committee” with “Strategic Priorities and Policy Committee”; and,
- c) the Civic Administration BE ENCOURAGED to bring forward initial reports by service area responding to the Municipal Council resolution on 16 June 2020 related to the implementation of the equity and inclusion lens to the most relevant standing committee for each service area (e.g. Development and Compliance Services would report to Planning and Environment Committee; Engineering and Environmental Services would report to Civic Works Committee, and so on).

Motion Passed

10. (5.2) Additional Legislative Measures to Prevent the Spread of COVID-19

Motion made by: J. Helmer

That the following actions be taken with respect to additional legislative measures to prevent the spread of COVID-19:

- a) the Civic Administration, including the City Solicitor, BE DIRECTED to consult with the County of Middlesex and the Medical Officer of Health, Dr. Chris Mackie, and to bring forward, for consideration at the earliest opportunity by Municipal Council, any legislative measures that the Medical Officer of Health recommends the City of London should enact to reduce the risk of further COVID-19 infections within the City of London, including the possibility of a temporary municipal bylaw requiring the wearing of masks or face coverings in enclosed public spaces; and,
- b) the Medical Officer of Health, Dr. Chris Mackie, BE REQUESTED to attend the standing committee meeting(s), to provide advice and answer questions about any advice or actions that may result from part a) above.

Yeas: (13): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, A. Kayabaga, and S. Hillier
Recuse: (1): S. Turner
Absent: (1): S. Lewis

Motion Passed (13 to 0)

5. (2.4) 2nd Report of the Rapid Transit Implementation Working Group

Motion made by: J. Helmer

That the 2nd Report of the Rapid Transit Implementation Working Group BE APPROVED, excluding clause 3.2, related to the North Corridor.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

Motion made by: P. Squire

That clause 3.2 of the 2nd Report of the RTIWG BE APPROVED.

Yeas: (11): Mayor E. Holder, M. van Holst, M. Salih, M. Cassidy, P. Squire, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier
Recuse: (3): J. Helmer, J. Morgan, and S. Lehman
Absent: (1): S. Lewis

Motion Passed (11 to 0)

9. Added Reports

9.2 14th Report of the Strategic Priorities and Policy Committee

1. Disclosures of Pecuniary Interest

Motion made by: J. Helmer

Councillor S. Turner discloses a pecuniary interest in the added item 4.1, having to do with potential additional legislative actions to prevent the spread of COVID-19, and the related confidential item 6.1, by indicating that the matter concerns the Medical Officer of Health, Middlesex-London Health Unit, which is his employer.

Motion Passed

2. (4.1) Additional Legislated Measures to Reduce the Risk of Further COVID-19 Infections in the City of London

At 5:30 PM, His Worship the Mayor E. Holder places Councillor J. Helmer in the Chair and takes a seat at the Council Board.

At 5:45 PM, His Worship the Mayor E. Holder resumes the Chair and Councillor J. Helmer takes a seat at the Council Board.

Motion made by: J. Helmer

That the following actions be taken with respect to additional legislated measures to reduce the risk of further COVID-19 infections in the City of London:

- a) on the recommendation of the City Manager, with the concurrence of the Medical Officer of Health, Middlesex-London, the revised attached proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020, to temporarily require the use of face coverings within enclosed publicly-accessible spaces in the City of London; it being noted that the proposed by-law was amended in section 25;
- b) the Civic Administration, in conjunction with appropriate stakeholders, BE DIRECTED to report back to the Strategic Priorities and Policy Committee in sixty-day increments, with respect to the above-noted proposed by-law related to mandatory face covering in public spaces; and,
- c) the presentation from Dr. C. Mackie, and the communications from M. Sheehan and D. Pietsch, with respect to this matter, BE RECEIVED;

it being noted that the attached Supplemental Report, dated July 20, 2020 from the City Solicitor's Office was submitted to the Municipal Council at the meeting held on July 21, 2020 as per the direction given at the meeting held on July 20, 2020.

Yeas: (12): Mayor E. Holder, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelosa, A. Kayabaga, and S. Hillier

Nays: (1): M. van Holst

Recuse: (1): S. Turner

Absent: (1): S. Lewis

Motion Passed (12 to 1)

Motion made by: Mayor E. Holder

Seconded by: P. Squire

That the draft by-law BE AMENDED as follows:

Section 9. – by adding a new part g), "Persons within an Establishment, while participating in a religious service, for rituals which require an uncovered mouth", and

Section 12. – by adding a new part g), "Persons within an Establishment, while participating in a religious service, for rituals which require an uncovered mouth".

Yeas: (13): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelosa, A. Kayabaga, and S. Hillier

Recuse: (1): S. Turner

Absent: (1): S. Lewis

Motion Passed (13 to 0)

Item 2 (4.1), as amended, reads as follows:

That the following actions be taken with respect to additional legislated measures to reduce the risk of further COVID-19 infections in the City of London:

a) on the recommendation of the City Manager, with the concurrence of the Medical Officer of Health, Middlesex-London, the further revised attached proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020, to temporarily require the use of face coverings within enclosed publicly-accessible spaces in the City of London; it being noted that the proposed by-law was amended in section 25; it being further noted that the Municipal Council further amended the proposed by-law by adding the following wording as new parts g) to sections 9 and 12: "Persons within an Establishment, while participating in a religious service, for rituals which require an uncovered mouth::;

b) the Civic Administration, in conjunction with appropriate stakeholders, BE DIRECTED to report back to the Strategic Priorities and Policy Committee in sixty-day increments, with respect to the above-noted proposed by-law related to mandatory face covering in public spaces; and,

c) the presentation from Dr. C. Mackie, and the communications from M. Sheehan and D. Pietsch, with respect to this matter, BE RECEIVED;

it being noted that the attached Supplemental Report, dated July 20, 2020 from the City Solicitor's Office was submitted to the Municipal Council at the meeting held on July 21, 2020 as per the direction given at the meeting held on July 20, 2020.

10. Deferred Matters

None.

11. Enquiries

None.

12. Emergent Motions

None.

13. By-laws

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

That Introduction and First Reading of Bill No.'s 220 to 230, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelosa, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

Motion made by: J. Helmer
Seconded by: P. Van Meerbergen

That Second Reading of Bill No.'s 220 to 230, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelosa, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

Motion made by: E. Pelozo

Seconded by: S. Hillier

That Third Reading and Enactment of Bill No.'s 220 to 230, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier

Absent: (1): S. Lewis

Motion Passed (14 to 0)

4. Council, In Closed Session

Motion made by: E. Pelozo

Seconded by: S. Lehman

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

4.1. Solicitor-Client Privilege / Litigation / Potential Litigation

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, litigation and potential litigation and directions and instructions to officers and employees or agents of the municipality with respect to the construction contract and construction of the East London Community Centre. (6.1/8/CPSC)

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

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality. (6.1/12/CSC)

4.3. Solicitor- Client Privileged Advice

A matter pertaining to advice that is subject to solicitor-client privilege, as it relates to potential additional legislative measures to prevent the spread of COVID-19. (6.1/13/SPPC)

4.4 Solicitor- Client Privileged Advice

A matter pertaining to advice that is subject to solicitor-client privilege, as it relates to potential additional legislative measures to prevent the spread of COVID-19. (6.1/14/SPPC)

4.5 Solicitor- Client Privileged Advice

A matter pertaining to advice that is subject to solicitor-client privilege, as it relates to publicly releasing a confidential staff report. (6.2/14/SPPC)

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier

Absent: (1): S. Lewis

Motion Passed (14 to 0)

The Council convenes In Closed Session at 6:17 PM, with Mayor E. Holder in the Chair and all Members participating, except Councillor S. Lewis; it being noted that Councillors M. van Holst, M. Salih, J. Helmer, M. Cassidy, A. Hopkins, P.

Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga and S. Hillier were in remote attendance.

At 6:27 PM, Councillor S. Turner leaves the meeting.

The Council rises from In Closed session at 6:34 PM and resumes in public session at 6:40 PM, with Mayor E. Holder in the Chair and all Members participating, except Councillor S. Lewis; it being noted that Councillors M. van Holst, M. Salih, J. Helmer, M. Cassidy, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga and S. Hillier were in remote attendance.

9. Added Reports

9.1 12th Report of Council in Closed Session

Motion made by: S. Lehman

Seconded by: S. Hillier

1. That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, with the concurrence of the Managing Director, Environmental and Engineering Services and City Engineer, on the advice of the Manager of Realty Services, with respect to the property at 4025 Manning Drive, further described as Part Lot 21, Concession 7, containing an area of approximately 93.20 acres, as shown on the location map attached, for the purposes of buffering the City's W12 landfill site and in conjunction with the W12A Property Value Protection Plan and Property Acquisition Plan, the following actions be taken:

a) the offer submitted by Laila Ismail (the "Vendor"), to sell the subject property to the City, for the sum of \$1,750,000.00, BE ACCEPTED subject to the following conditions:

i) the City having a period of 60 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;

ii) the City, at its expense, agreeing to prepare and deposit on title, on or before closing, a reference plan describing the subject property;

iii) the purchase price payable by the City to the Vendor for the property is calculated at 93.20 acres. X \$18,777.00 per acre. If the actual size of the property is different than as set out above, the purchase price for the property shall be adjusted to reflect a price equal to the area of the property multiplied by \$18,777.00 per acre;

iv) the property is subject to a Farmland Lease Agreement between the City and Field and Flock Farms Ltd. (Mat Versteegh) as tenant. On or before closing, the City shall arrange for the tenant to sign a new lease on the City's standard form which is attached as Schedule "C" of the Agreement of Purchase and Sale, failing which, the City shall terminate the existing farm lease on or before the closing date and provide vacant possession of the property on closing; 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 E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

Motion made by: J. Helmer
Seconded by: S. Hillier

That Introduction and First Reading of Bill No. 219 and Added Bill No. 232,
BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M.
Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van
Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

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

That Second Reading of Bill No. 219 and Added Bill No. 232, BE
APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M.
Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van
Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

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

That Third Reading and Enactment of Bill No. 219 and Added Bill No. 232,
BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M.
Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van
Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier
Absent: (1): S. Lewis

Motion Passed (14 to 0)

Motion made by: M. Cassidy
Seconded by: S. Lehman

That Introduction and First Reading of revised Added Bill No. 231, BE
APPROVED.

Yeas: (12): Mayor E. Holder, M. Salih, J. Helmer, M. Cassidy, P. Squire,
J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozo, A.
Kayabaga, and S. Hillier
Nays: (1): M. van Holst
Recuse: (1): S. Turner
Absent: (1): S. Lewis

Motion Passed (12 to 1)

Motion made by: A. Kayabaga
Seconded by: P. Van Meerbergen

That Second Reading of revised Added Bill No. 231, BE APPROVED.

Yeas: (12): Mayor E. Holder, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, A. Kayabaga, and S. Hillier
Nays: (1): M. van Holst
Recuse: (1): S. Turner
Absent: (1): S. Lewis

Motion Passed (12 to 1)

Motion made by: J. Helmer
Seconded by: M. Cassidy

That Third Reading and Enactment of revised Bill No. 231, BE APPROVED.

Yeas: (12): Mayor E. Holder, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, A. Kayabaga, and S. Hillier
Nays: (1): M. van Holst
Recuse: (1): S. Turner
Absent: (1): S. Lewis

Motion Passed (12 to 1)

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

Bill	By-law
Bill No. 219	By-law No. A.-7997-161 – A by-law to confirm the proceedings of the Council Meeting held on the 21st day of July, 2020. (City Clerk)
Bill No. 220	By-law No. A.-7998-162 – A by-law to eliminate the subclass tax reduction in accordance with subsection 313 (1.3) of the Municipal Act, 2001, as amended, for vacant and excess land in the commercial and industrial property classes for 2020 and subsequent years. (2.5/12/CSC)
Bill No. 221	By-law No. A.-7998-162 – A by-law to approve an Agreement to operate and maintain the City’s Materials Recovery Facility and market the recyclable materials; and to authorize the Mayor and the City Clerk to execute the Agreement. (2.3/9/CWC)
Bill No. 222	By-law No. A.-8000-164 – A by-law to approve a Long-Term Care Service Agreement between The Corporation of the City of London and LifeLabs. (2.4/8/CPSC)
Bill No. 223	By-law No. C.P.-1512(u)-165 – A by-law for a housekeeping amendment to The London Plan for the City of London, 2016. (3.1/11/PEC)
Bill No. 224	By-law No. S.-6068-166 – A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Eagletrace Drive). (Chief Surveyor - requires 0.3m Reserves on the abutting Plan, being 33M-539, to be dedicated as public highway for unobstructed legal access throughout the Subdivision)
Bill No. 225	By-law No. W.-5600(b)-167 – A by-law to amend By-law No. W.-5600-57, as amended, entitled, “A by-law to authorize the Adelaide Street Grade Separation CPR Tracks. (Project No. TS1306).” (6.1/11/CSC)
Bill No. 226	By-law No. Z.-1-202855 – A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning from lands located at 8447-8473 Longwoods Road. (2.5/10/PEC)
Bill No. 227	By-law No. Z.-1-202856 – A by-law to amend By-law No. Z.-1 to rezone an area of land located at 442 Third Street. (3.1/10/PEC)
Bill No. 228	By-law No. Z.-1-202857 – A by-law to amend Section 4.11 of By-law No. Z.-1 to allow residents to allow residents to sell agricultural products grown on properties up to 20 times per year. (3.2/11/PEC)

Bill No. 229	By-law No. Z.-1-202858 – A by-law to amend By-law No. Z.-1 to rezone an area of land located at a part of 65 Brisbin Street. (3.3/11/PEC)
Bill No. 230	By-law No. Z.-1-202859 – A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1146-1156 Byron Baseline Road. (3.4/11/PEC)
Bill No. 231	(ADDED REVISED) By-law No. PH-20 – A by-law to temporarily require the use of face coverings within enclosed publicly-accessible spaces in the City of London. (4.1/14/SPPC)
Bill No. 232	(ADDED) By-law No. A.-8001-168 – A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and Laila Ismail, for the acquisition of the property municipally known as 5725 White Oak Road, for the City’s W12A landfill site, and to authorize the Mayor and the City Clerk to execute the Agreement. (6.1/12/CSC)

14. Adjournment

Motion made by: S. Lehman

Seconded by: S. Turner

That the meeting BE ADJOURNED.

Motion Passed

The meeting adjourned at 6:50 PM.

Ed Holder, Mayor

Catharine Saunders, City Clerk

Strategic Priorities and Policy Committee

Report

14th Special Meeting of the Strategic Priorities and Policy Committee
July 20, 2020

PRESENT: Mayor E. Holder (Chair), Councillors M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, A. Kayabaga, S. Hillier

ALSO PRESENT: M. Schulthess, S. Spring, B. Westlake-Power

Remote Attendance: L. Livingstone, A. Barbon, B. Card, A. Anderson, S. Corman, K. Dickins, O. Katolyk, G. Kotsifas, J.P. McGonigle, D. O'Brien, K. Scherr, E. Skalski, C. Smith

The meeting is called to order at 4:10 PM; it being noted that the following Members were in remote attendance: M. van Holst, M. Salih, J. Helmer, M. Cassidy, A. Hopkins, S. Turner, A. Kayabaga

1. Disclosures of Pecuniary Interest

Councillor S. Turner discloses a pecuniary interest in the added item 4.1, having to do with potential additional legislative actions to prevent the spread of COVID-19, and the related confidential item 6.1, by indicating that the matter concerns the Medical Officer of Health, Middlesex-London Health Unit, which is his employer.

2. Consent

None.

3. Scheduled Items

None.

4. Items for Direction

4.1 Additional Legislated Measures to Reduce the Risk of Further COVID-19 Infections in the City of London

That the following actions be taken with respect to additional legislated measures to reduce the risk of further COVID-19 infections in the City of London:

- a) on the recommendation of the City Manager, with the concurrence of the Medical Officer of Health, Middlesex-London, the revised attached by-law BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020, to temporarily require the use of face coverings within enclosed publicly-accessible spaces in the City of London; it being noted that the proposed by-law was amended in section 25, by adding the following at the end, "or until such time as the regulation O. Reg 364/20: Rules for Areas in Stage 3, made under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9. is revoked.";
- b) the Civic Administration, in conjunction with appropriate stakeholders, BE DIRECTED to report back to the Strategic Priorities and Policy Committee in sixty-day increments, with respect to the above-noted proposed by-law related to mandatory face covering in public spaces; and,
- c) the presentation from Dr. C. Mackie, and the communications from M. Sheehan and D. Pietsch, with respect to this matter, BE RECEIVED;

it being noted that the attached Supplemental Report, dated July 20, 2020 from A. Anderson was submitted as per the Committee direction.

Motion Passed

Voting Record:

Moved by: A. Hopkins
Seconded by: E. Pelozza

That the presentation from Dr. C. Mackie, and the communications from M. Sheehan and D. Pietsch, BE RECEIVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, A. Kayabaga, and S. Hillier
Recuse: (1): S. Turner

Motion Passed (14 to 0)

Moved by: J. Morgan
Seconded by: S. Lewis

That the draft by-law BE AMENDED in section 25 by adding the following after "until December 31, 2020",

"or until such time as the regulation O. Reg 364/20: Rules for Areas in Stage 3, made under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9. is revoked."

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, A. Kayabaga, and S. Hillier
Nays: (1): J. Helmer
Absent: (1): S. Turner

Motion Passed (13 to 1)

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

That, on the recommendation of the City Manager, with the concurrence of the Medical Officer of Health, Middlesex-London, the revised attached by-law BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020, to temporarily require the use of face coverings within enclosed publicly-accessible spaces in the City of London;

Yeas: (13): Mayor E. Holder, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, A. Kayabaga, and S. Hillier
Nays: (1): M. van Holst
Absent: (1): S. Turner

Motion Passed (13 to 1)

Moved by: M. Salih
Seconded by: A. Kayabaga

That the Civic Administration, in conjunction with appropriate stakeholders, BE DIRECTED to report back to the Strategic Priorities and

Policy Committee in sixty-day increments, with respect to the proposed by-law related to mandatory face covering.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, A. Kayabaga, and S. Hillier
Absent: (1): S. Turner

Motion Passed (14 to 0)

5. Deferred Matters/Additional Business

None.

6. Confidential (Enclosed for Members only.)

Moved by: M. Cassidy
Seconded by: S. Lewis

That the Strategic Priorities and Policy Committee convene, In Closed Session, at this time for the purpose of considering a matter pertaining to litigation or potential litigation and advice that is subject to solicitor-client privilege, including communications necessary for that purpose and directions and instructions to officers and employees or agents of the municipality.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, A. Kayabaga, and S. Hillier
Recuse: (1): S. Turner

Motion Passed (14 to 0)

The Strategic Priorities and Policy Committee convenes, In Closed Session, from 6:00 PM to 6:44 PM, with respect to a matter pertaining to litigation or potential litigation and advice that is subject to solicitor-client privilege, including communications necessary for that purpose and directions and instructions to officers and employees or agents of the municipality.

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

That the Strategic Priorities and Policy Committee convene, In Closed Session, with respect to a matter pertaining to solicitor-client privileged advice, as it relates to publicly releasing a confidential staff report.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, A. Kayabaga, and S. Hillier
Absent: (1): S. Turner

Motion Passed (14 to 0)

The Strategic Priorities and Policy Committee convenes, In Closed Session, from 7:04 PM to 7:32 PM with respect to a matter pertaining to solicitor-client privileged advice.

7. Adjournment

The meeting adjourned at 9:14 PM.

Bill No. [no. inserted by Clerk's Office]
2020

By-law No. [inserted by Clerk's]

A By-law to temporarily require the use of face coverings within enclosed publicly-accessible spaces in the City of London.

WHEREAS on March 17, 2020, an emergency was declared by the Government of Ontario ("Province") pursuant to Order in Council 518/2020 under section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 ("EMCPA") in response to the outbreak of COVID-19;

AND WHEREAS on March 20, 2020 an emergency was declared by the Corporation of the City of London ("City") pursuant to section 4 of the EMCPA in support of the Province's efforts to contain the spread of COVID-19;

AND WHEREAS health authorities at the Federal and Provincial level have recommended that persons wear face coverings in public where physical distancing cannot be maintained;

AND WHEREAS the wearing of face coverings may act as one component of an overall COVID-19 mitigation strategy, of which frequent hand-washing and maintaining a safe physical distancing are also important components;

AND WHEREAS on July 6, 2020, the Medical Officer of Health of the Middlesex London Health Unit ("Medical Officer of Health") made an Order, pursuant to section 22 (5.0.1) of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, requiring the use of face coverings for owners, operators and passengers of public transit or commercial vehicles for hire, as well as owners and operators of personal care service establishments;

AND WHEREAS because physical distancing is impossible to guarantee in enclosed public spaces, the Medical Officer of Health has advised that the following temporary regulations are a necessary, recognized, practicable, and effective method to limit the spread of COVID-19 and thereby help protect the health, safety, and well-being of the residents of the City;

AND WHEREAS the Medical Officer of Health advises that in addition to reducing the spread of COVID-19, the following temporary measures are likely to reduce anxiety and contribute positively to economic wellbeing;

AND WHEREAS Council of the City is desirous to enact a by-law to require mandatory face coverings in enclosed spaces that are accessible to the public to help contain the spread of COVID-19;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* authorizes a municipality to pass by-laws with respect to: economic, social and environmental well-being of the municipality, including respecting climate change; the health, safety and well-being of persons; and the protection of persons and property, including consumer protection;

AND WHEREAS subsections 425(1) and 429(1) of the *Municipal Act, 2001* authorize a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and to establish a system of fines for offences under a by-law;

AND WHEREAS subsection 436(1) of the *Municipal Act, 2001* provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law passed under the *Municipal Act, 2001* is being complied with;

AND WHEREAS subsection 444(1) of the *Municipal Act, 2001* authorizes a municipality to make an order requiring the person who contravened a by-law, caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

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

MANDATORY FACE COVERINGS BY-LAW

Definitions

1. In this by-law:

"By-law" means this By-law;

"City" means The Corporation of the City of London or the municipality of the City of London, as the context requires;

"Council" means the Municipal Council of the City of London;

"EMCPA" means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended from time to time;

"Emergency Order" means the emergency orders passed by the Province of Ontario pursuant to the EMCPA related to COVID-19 including any regulations enacted pursuant to EMCPA;

"Face Covering" means a mask or face covering, including a bandana or scarf, construction of cloth, linen or other similar fabric that fits securely to the head and is large enough to completely and comfortably cover the mouth, nose and chin without gapping. A Face Covering may include, but is not required to be, a medical mask such as surgical masks, N95 or other similar masks worn by healthcare workers;

"HPPA" means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended from time to time;

"Officer" means a police officer; a person appointed by Council as a municipal law enforcement officer; an officer, employee or agent of the City whose responsibility includes enforcement of this By-law;

"Operator" means a person or organization which is responsible for or otherwise has control over the operation of an Establishment;

"Person" or any expression referring to a person or people, means an individual over the age of twelve (12) and also includes a partnership, limited partnership, and a corporation and its directors and officers, and all heirs, executors, assignees and administrators;

Application of this By-law

2. This By-law applies to all Establishments and Persons in the City.
3. For the purposes of this By-law, an Establishment means any portion of a building that is located:
 - (a) indoors; and,
 - (b) where the public is ordinarily invited or permitted access to whether or not a fee or membership is charged for entry.
4. For greater clarity, Establishments shall include the following:
 - (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services, including restaurants or the sale of any food or beverage, and including a mall or similar structure containing multiple places of business;
 - (b) churches, mosques, synagogues, temples, or other places of worship;
 - (c) City indoor recreational facilities open to the public, community centres including indoor recreational facilities, whether publically accessible or requiring membership;
 - (d) libraries, art galleries, performing arts centres, museums, aquariums, zoos, and other similar facilities;
 - (e) community service agencies providing services to the public;
 - (f) banquet halls, convention centres, arenas, stadiums, and any other event space;
 - (g) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
 - (h) common areas of hotels, motels or other short-term rentals, such as lobbies, elevators, meeting rooms, or other common use facilities;
 - (i) concert venues, theatres, cinemas, casinos, and other entertainment facilities;
 - (j) other business, organizations and places that are permitted to operate in accordance with the Emergency Orders.
5. Notwithstanding the generality of section 3 and the specificity of section 4, Establishments shall not include the following:
 - (a) day cares, schools, post-secondary institutions, and other facilities used solely for educational purposes;
 - (b) hospitals and portions of buildings used by regulated health professionals;
 - (c) buildings owned or operated by the Province of Ontario or the Government of Canada;
 - (d) portions of community centres, arenas or other buildings that are being used for the purpose of day camps for children or for the training of amateur or professional athletes;
 - (e) school transportation vehicles;
 - (f) court facilities, or a portion of a building where any similar legislated judicial or quasi-judicial proceeding is taking place;
 - (g) professional offices that are not open to the public and are open by appointment only (such as a lawyer or accountant office);
 - (h) indoor areas of buildings that are accessible to employees only.
6. Notwithstanding section 2, this By-law does not apply to any Officer, City employee, or a person hired or engaged by the City to do work or perform services within an Establishment for the specific purposes of performing policing, municipal or enforcement services, including but not limited to, the enforcement of this By-law, or the provisions of an act of Parliament or the Legislature, or an order made under an act of Parliament or the Legislature.

7. Nothing in this By-law is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation, or *EMCPA* order, or *HPPA* order, the federal or provincial legislation and orders authorized thereunder shall prevail.

General Obligations and Prohibitions - Operator

8. Subject to the exemptions in section 12, every Operator shall require that Face Coverings are worn by anyone engaged in the operation of the business or delivery of a service or product at an Establishment, including employees, volunteers, agents, or contractors.

9. The Operator shall conspicuously post at all entrances to the Establishment clearly visible signage containing the following text:

ALL PERSONS ENTERING OR REMAINING IN THESE PREMISES SHALL WEAR A MASK OR FACE COVERING WHICH COVERS THE NOSE, MOUTH AND CHIN AS REQUIRED UNDER CITY OF LONDON BY-LAW PH-20.

The following persons are exempt from the requirement to wear a Mask or Face Covering:

- (a) children under twelve years of age;**
- (b) Persons with an underlying medical condition or disability which inhibits their ability to wear a Face Covering;**
- (c) Persons who are unable to place or remove a Face Covering without assistance;**
- (d) employees or agents of the Establishment within an area designated for them and not publically accessible, or in an area separated by a physical barrier;**
- (e) Persons who are reasonably accommodated by not wearing a Face Covering in accordance with the Ontario Human Rights Code;**
- (f) Persons in an Establishment, while receiving services involving the face and requiring the removal of the Face Covering, including but not limited to eating or drinking, or while actively engaging in an athletic or fitness activity.**

Please be respectful of the rights of individuals who are exempt from wearing a mask in conformity with the exemptions provided in the By-law.

To report an incidence of non-compliance with the By-law, contact covidorderconcerns@london.ca or (519) 661-4660

General Obligations and Prohibitions – All Persons

10. Every Person shall wear a Face Covering before entering and while inside an Establishment.

11. Every Person shall ensure that any Person under their care, including children, comply with section 10 of this By-law.

12. Notwithstanding sections 10 and 11 of this By-law, the following Persons shall be exempt from wearing a Face Covering:

- (a) Persons with an underlying medical condition or disability which inhibits their ability to wear a Face Covering;
- (b) Persons who are unable to place or remove a Face Covering without assistance;
- (c) employees or agents of the Establishment within an area designated for them and not publically accessible, or in an area separated by a physical barrier;
- (d) Persons who are reasonably accommodated by not wearing a Face Covering in accordance with the Ontario Human Rights Code;
- (e) Persons in an Establishment, while receiving services involving the face and requiring the removal of the Face Covering, including but not limited to eating or drinking, or while actively engaging in an athletic or fitness activity; and,
- (f) police, fire, or paramedics where it may interfere with the performance of their duties.

13. No Person shall be required to provide proof of any of the exemptions set out in section 12.

Administration, Inspection, and Enforcement

14. The City's Municipal Law Enforcement Office is responsible for the administration and enforcement of this By-law and may appoint delegates or assign duties to City employees for those purposes.

15. The provisions of this By-law may be enforced by an Officer.

16. An Officer may enter on land or buildings at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) an order or other requirement made under this By-law; or
- (b) an order made under section 431 of the *Municipal Act, 2001*.

17. An Officer, for the purposes of the inspection under section 20 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information in writing or otherwise as required by an Officer from any person concerning a matter related to the inspection; and,
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

18. An Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where they have been prevented or is likely to be prevented from carrying out an inspection under section 16.

19. Any Person or Operator who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine and such other penalties as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

20. Upon conviction of an offence under this By-law, a person or operator shall be liable to a fine in accordance with section 429 of the *Municipal Act, 2001*, as follows:

- (a) a minimum of \$500 and a maximum fine of \$100,000.00;
- (b) in the case of a continuing offence, for each day or part of a day that the offence

continues, a minimum of \$500 and a maximum fine of \$10,000.00, and the total of all daily fines for the offence is not limited to \$100,000.00; and
(c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500, and a maximum fine of \$10,000.00, and the total of all fines for each included offence is not limited to \$100,000.00.

21. Where a person or operator has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order:

- (a) prohibiting the continuation or repetition of the offence by the person or operator convicted; and,
- (b) requiring the person or operator convicted to correct the contravention in the manner and within the period that the court considers appropriate.

22. An offence under this By-law may constitute a continuing offence or a multiple offence as set out in the *Municipal Act, 2001*.

General

23. This By-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation or instrument of a legislative nature, including an order made under the EMCPA or the HPPA.

24. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be of full force and effect.

25. This By-law comes into force and effect on the day it is passed and shall remain in effect until December 31, 2020 or until such time as the regulation O. Reg 364/20: Rules for Areas in Stage 3, made under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9., is revoked.

PASSED in Open Council on July 21, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

SUPPLEMENTAL REPORT

TO:	CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE MEETING ON MONDAY, JULY 20, 2020
FROM:	AYNSLEY ANDERSON SOLICITOR
SUBJECT	MANDATORY WEARING OF FACE COVERINGS

RECOMMENDATION

That, on the recommendation of the City Solicitor's Office, the following report **BE RECEIVED** for information.

LEGAL CONSIDERATIONS

This report was prepared to accompany the report dated July 20, 2020, titled "Additional Legislated Measures to Reduce the Risk of Further COVID-19 Infections in the City of London." For additional factual context, please see accompanying report.

Jurisdiction

Throughout the COVID-19 Emergency, the City of London has been relying on, and following the direction of the Medical Officer of Health for the Middlesex London Health Unit (the "Medical Officer of Health").

The *Health Protection and Promotion Act* provides the Board of Health with jurisdiction over the "control of infectious diseases and diseases of public health significance,... health promotion, health protection and disease and injury prevention"¹ and the Medical Officer of Health with jurisdiction over matters of "issues relating to public health concerns and to public health programs."²

Similarly, municipal council has jurisdiction over matters that are set out in the *Municipal Act, 2001*, namely as found in subsection 10(2), which includes

A single-tier municipality may pass by-laws respecting the following matters:

6. Health, safety and well-being of persons.

There is some overlap here.

Charter of Rights and Freedoms

Any government action, including the enactment of by-laws, is subject to the Charter, regardless of whether it is explicitly stated. A Charter challenge is typically assessed as a "two-step" test, and examples of grounds for identifying a breach of a Charter-protected right are outlined below.

Step 1 – Has there been a breach of a Charter-protected right?

Section 7 establishes that everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Section 7 rights protect people from state intervention; do not impose positive obligations on the state. Principles of fundamental justice are not protected interests, but rather qualifications on the right not to be deprived of life, liberty and security. Principles of fundamental justice require a balancing of state and individual interests.

1 Subsection 5(2) and (3) HPPA

2 Subsection 67(1) HPPA

Section 8 establishes that everyone has the right to be secure against unreasonable search or seizure. To establish a violation, claimants must demonstrate: first, that a governmental act constituted a “search or seizure”; and second, that the search or seizure was “unreasonable”. The “search or seizure” question reduces to whether the act intruded on the claimant’s “reasonable expectation of privacy”.

Section 15 establishes that every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Step 2: If there was a breach, is the breach justified?

Once a breach is established, the burden shifts to the government to demonstrate that the breach is justified through the Oakes Test. There are two parts to the Oakes test. The first part asks whether the purpose of the law is a significant (i.e. pressing and substantial) objective to society. The object must be of sufficient importance to warrant overriding of a constitutionally protected right or freedom. The object identified must be the original purpose of the legislation. The second part asks whether the breach is proportional. To be proportional, the considerations are threefold. First, there must be a rational connection (i.e. is the by-law connected to the end the government seeks to achieve). The by-law must not be unfair, arbitrary, or based on irrational factors. Second, there must be minimal impairment to the charter right. Third, there must be proportionality between means and effects.

Use of *Health Protection and Promotion Act* (“HPPA”) Orders

The HPPA Order, pursuant to section 22 of the HPPA, is a tool that has been used by the Medical Officer of Health in London with respect to mandatory face coverings on public transit, in commercial vehicles for hire, and in personal service establishments.

***Emergency Management and Civil Protection Act* (“EMCPA”) Plan and Orders**

The Municipality has actioned an Emergency Response Plan and declared a State of Emergency, in accordance with the provisions of the *Emergency Management and Civil Protection Act* (“EMCPA”). In accordance with that legislation, there exists an ability to make any order required to implement the emergency plan of the municipality and to protect the health, safety and welfare of the inhabitants of the emergency area. The City’s Emergency Response Plan does not describe the use of masks or face coverings as an action that could be implemented under the jurisdiction of the EMCPA. Any actions or decisions with respect to the City’s Emergency Response Plan occur in consultation with the City’s Emergency Operations Centre Policy Committee.

Occupier’s Liability Act

The City is an “occupier” for the purposes of this legislation on all City property, and as such owes the general public a reasonable duty of care regarding safe enjoyment of that property. The City has already taken steps to ensure the safety of the public on public property, including signage, self-checks, and physical distancing. A precondition to entry imposed by an occupier must be reasonable in itself and in its connection to protecting the safety of persons on the property.

Obligation to enforce By-laws

Generally, a municipality has broad discretion on the manner and extent of enforcement of by-laws, as long as it is acting in good faith and reasonably under the circumstances. However, once adopted as a by-law containing prohibitions with corresponding offence provisions, Council cannot specifically direct enforcement officers with respect to the manner in which they are enforced, or not enforced. Enforcement will occur in accordance with the Municipal Law Enforcement Services Standard Operating Guidelines, unless Council directs otherwise. The City also has an obligation to honour the terms of the Memorandum of Understanding, entered into between the City and the Attorney General with the respect to prosecution of municipal by-laws, for example, in section 2.1.7:

The entire justice process, from the laying of charges through to final disposition of appeals, shall continue to operate independently and free from political intervention.

The Medical Officer of Health has no jurisdiction with respect to the enforcement of the proposed by-law.

PREPARED AND RECOMMENDED BY:	
	AYNSLEY ANDERSON SOLICITOR II

Bill No. 231
2020

By-law No. PH-20

A by-law to temporarily require the use of face coverings within enclosed publicly-accessible spaces in the City of London.

WHEREAS on March 17, 2020, an emergency was declared by the Government of Ontario ("Province") pursuant to Order in Council 518/2020 under section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 ("EMCPA") in response to the outbreak of COVID-19;

AND WHEREAS on March 20, 2020 an emergency was declared by the Corporation of the City of London ("City") pursuant to section 4 of the EMCPA in support of the Province's efforts to contain the spread of COVID-19;

AND WHEREAS health authorities at the Federal and Provincial level have recommended that persons wear face coverings in public where physical distancing cannot be maintained;

AND WHEREAS the wearing of face coverings may act as one component of an overall COVID-19 mitigation strategy, of which frequent hand-washing and maintaining a safe physical distancing are also important components;

AND WHEREAS on July 6, 2020, the Medical Officer of Health of the Middlesex London Health Unit ("Medical Officer of Health") made an Order, pursuant to section 22 (5.0.1) of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, requiring the use of face coverings for owners, operators and passengers of public transit or commercial vehicles for hire, as well as owners and operators of personal care service establishments;

AND WHEREAS because physical distancing is impossible to guarantee in enclosed public spaces, the Medical Officer of Health has advised that the following temporary regulations are a necessary, recognized, practicable, and effective method to limit the spread of COVID-19 and thereby help protect the health, safety, and well-being of the residents of the City;

AND WHEREAS the Medical Officer of Health advises that in addition to reducing the spread of COVID-19, the following temporary measures are likely to reduce anxiety and contribute positively to economic wellbeing;

AND WHEREAS Council of the City is desirous to enact a by-law to require mandatory face coverings in enclosed spaces that are accessible to the public to help contain the spread of COVID-19;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* authorizes a municipality to pass by-laws with respect to: economic, social and environmental well-being of the municipality, including respecting climate change; the health, safety and well-being of persons; and the protection of persons and property, including consumer protection;

AND WHEREAS subsections 425(1) and 429(1) of the *Municipal Act, 2001* authorize a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and to establish a system of fines for offences under a by-law;

AND WHEREAS subsection 436(1) of the *Municipal Act, 2001* provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law passed under the *Municipal Act, 2001* is being complied with;

AND WHEREAS subsection 444(1) of the *Municipal Act, 2001* authorizes a municipality to make an order requiring the person who contravened a by-law, caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

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

MANDATORY FACE COVERINGS BY-LAW

Definitions

1. In this by-law:

"By-law" means this By-law;

"City" means The Corporation of the City of London or the municipality of the City of London, as the context requires;

"Council" means the Municipal Council of the City of London;

"EMCPA" means the *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9*, as amended from time to time;

"Emergency Order" means the emergency orders passed by the Province of Ontario pursuant to the EMCPA related to COVID-19 including any regulations enacted pursuant to EMCPA;

"Face Covering" means a mask or face covering, including a bandana or scarf, construction of cloth, linen or other similar fabric that fits securely to the head and is large enough to completely and comfortably cover the mouth, nose and chin without gapping. A Face Covering may include, but is not required to be, a medical mask such as surgical masks, N95 or other similar masks worn by healthcare workers;

"HPPA" means the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*, as amended from time to time;

"Officer" means a police officer; a person appointed by Council as a municipal law enforcement officer; an officer, employee or agent of the City whose responsibility includes enforcement of this By-law;

"Operator" means a person or organization which is responsible for or otherwise has control over the operation of an Establishment;

"Person" or any expression referring to a person or people, means an individual over the age of twelve (12) and also includes a partnership, limited partnership, and a corporation and its directors and officers, and all heirs, executors, assignees and administrators;

Application of this By-law

2. This By-law applies to all Establishments and Persons in the City.
3. For the purposes of this By-law, an Establishment means any portion of a building that is located:
 - (a) indoors; and,
 - (b) where the public is ordinarily invited or permitted access to whether or not a fee or membership is charged for entry.
4. For greater clarity, Establishments shall include the following:
 - (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services, including restaurants or the sale of any food or beverage, and including a mall or similar structure containing multiple places of business;
 - (b) churches, mosques, synagogues, temples, or other places of worship;
 - (c) City indoor recreational facilities open to the public, community centres including indoor recreational facilities, whether publically accessible or requiring membership;
 - (d) libraries, art galleries, performing arts centres, museums, aquariums, zoos, and other similar facilities;
 - (e) community service agencies providing services to the public;
 - (f) banquet halls, convention centres, arenas, stadiums, and any other event space;
 - (g) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
 - (h) common areas of hotels, motels or other short-term rentals, such as lobbies, elevators, meeting rooms, or other common use facilities;
 - (i) concert venues, theatres, cinemas, casinos, and other entertainment facilities;
 - (j) other business, organizations and places that are permitted to operate in accordance with the Emergency Orders.
5. Notwithstanding the generality of section 3 and the specificity of section 4, Establishments shall not include the following:
 - (a) day cares, schools, post-secondary institutions, and other facilities used solely for educational purposes;
 - (b) hospitals and portions of buildings used by regulated health professionals;
 - (c) buildings owned or operated by the Province of Ontario or the Government of Canada;
 - (d) portions of community centres, arenas or other buildings that are being used for the purpose of day camps for children or for the training of amateur or professional athletes;
 - (e) school transportation vehicles;
 - (f) court facilities, or a portion of a building where any similar legislated judicial or quasi-judicial proceeding is taking place;
 - (g) professional offices that are not open to the public and are open by appointment only (such as a lawyer or accountant office);
 - (h) indoor areas of buildings that are accessible to employees only.
6. Notwithstanding section 2, this By-law does not apply to any Officer, City employee, or a person hired or engaged by the City to do work or perform services within an Establishment for the specific purposes of performing policing, municipal or enforcement services, including but not limited to, the enforcement of this By-law, or the provisions of an act of Parliament or the Legislature, or an order made under an act of Parliament or the Legislature.

7. Nothing in this By-law is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation, or *EMCPA* order, or *HPPA* order, the federal or provincial legislation and orders authorized thereunder shall prevail.

General Obligations and Prohibitions - Operator

8. Subject to the exemptions in section 12, every Operator shall require that Face Coverings are worn by anyone engaged in the operation of the business or delivery of a service or product at an Establishment, including employees, volunteers, agents, or contractors.

9. The Operator shall conspicuously post at all entrances to the Establishment clearly visible signage containing the following text:

ALL PERSONS ENTERING OR REMAINING IN THESE PREMISES SHALL WEAR A MASK OR FACE COVERING WHICH COVERS THE NOSE, MOUTH AND CHIN AS REQUIRED UNDER CITY OF LONDON BY-LAW PH-20.

The following persons are exempt from the requirement to wear a Mask or Face Covering:

- (a) children under twelve years of age;**
- (b) Persons with an underlying medical condition or disability which inhibits their ability to wear a Face Covering;**
- (c) Persons who are unable to place or remove a Face Covering without assistance;**
- (d) employees or agents of the Establishment within an area designated for them and not publically accessible, or in an area separated by a physical barrier;**
- (e) Persons who are reasonably accommodated by not wearing a Face Covering in accordance with the Ontario Human Rights Code;**
- (f) Persons in an Establishment, while receiving services involving the face and requiring the removal of the Face Covering, including but not limited to eating or drinking, or while actively engaging in an athletic or fitness activity;**
- (g) Persons within an Establishment, while participating in a religious service, for rituals which require an uncovered mouth.**

Please be respectful of the rights of individuals who are exempt from wearing a mask in conformity with the exemptions provided in the By-law.

To report an incidence of non-compliance with the By-law, contact covorderconcerns@london.ca or (519) 661-4660

General Obligations and Prohibitions – All Persons

10. Every Person shall wear a Face Covering before entering and while inside an Establishment.

11. Every Person shall ensure that any Person under their care, including children, comply with section 10 of this By-law.
12. Notwithstanding sections 10 and 11 of this By-law, the following Persons shall be exempt from wearing a Face Covering:
- (a) Persons with an underlying medical condition or disability which inhibits their ability to wear a Face Covering;
 - (b) Persons who are unable to place or remove a Face Covering without assistance;
 - (c) employees or agents of the Establishment within an area designated for them and not publically accessible, or in an area separated by a physical barrier;
 - (d) Persons who are reasonably accommodated by not wearing a Face Covering in accordance with the Ontario Human Rights Code;
 - (e) Persons in an Establishment, while receiving services involving the face and requiring the removal of the Face Covering, including but not limited to eating or drinking, or while actively engaging in an athletic or fitness activity;
 - (f) police, fire, or paramedics where it may interfere with the performance of their duties; and,
 - (g) Persons within an Establishment, while participating in a religious service, for rituals which require an uncovered mouth.
13. No Person shall be required to provide proof of any of the exemptions set out in section 12.

Administration, Inspection, and Enforcement

14. The City's Municipal Law Enforcement Office is responsible for the administration and enforcement of this By-law and may appoint delegates or assign duties to City employees for those purposes.
15. The provisions of this By-law may be enforced by an Officer.
16. An Officer may enter on land or buildings at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) an order or other requirement made under this By-law; or
 - (b) an order made under section 431 of the *Municipal Act, 2001*.
17. An Officer, for the purposes of the inspection under section 20 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information in writing or otherwise as required by an Officer from any person concerning a matter related to the inspection; and,
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
18. An Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where they have been prevented or is likely to be prevented from carrying out an inspection under section 16.

19. Any Person or Operator who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine and such other penalties as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

20. Upon conviction of an offence under this By-law, a person or operator shall be liable to a fine in accordance with section 429 of the *Municipal Act, 2001*, as follows:

- (a) a minimum of \$500 and a maximum fine of \$100,000.00;
- (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum of \$500 and a maximum fine of \$10,000.00, and the total of all daily fines for the offence is not limited to \$100,000.00; and
- (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500, and a maximum fine of \$10,000.00, and the total of all fines for each included offence is not limited to \$100,000.00.

21. Where a person or operator has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order:

- (a) prohibiting the continuation or repetition of the offence by the person or operator convicted; and,
- (b) requiring the person or operator convicted to correct the contravention in the manner and within the period that the court considers appropriate.

22. An offence under this By-law may constitute a continuing offence or a multiple offence as set out in the *Municipal Act, 2001*.

General

23. This By-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation or instrument of a legislative nature, including an order made under the EMCPA or the HPPA.

24. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be of full force and effect.

25. This By-law comes into force and effect on the day it is passed and shall remain in effect until December 31, 2020 or until such time as the regulation O. Reg. 364/20: Rules for Areas in Stage 3, made under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9., is revoked.

PASSED in Open Council on July 21, 2020.

Ed Holder
Mayor

Barb Westlake-Power
Deputy City Clerk

First Reading – July 21, 2020
Second Reading – July 21, 2020
Third Reading – July 21, 2020

Location Map



Schedule "C"

FARM LAND LEASE

Between:

FIELD AND FLOCK FARMS LTD.
(the "Tenant")

and

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

In consideration of the rent, covenants and agreements herein contained on the part of the Tenant to be paid, observed and performed, the City leases to the Tenant and the Tenant leases from the City the lands described as 4025 Manning Drive, approximately 80 acres, as shown in the attached Schedule "A" (the "Lands") subject to the terms and conditions set out in this Lease Agreement:

THE TENANT COVENANTS AND AGREES AS FOLLOWS:

1. The term of this Lease Agreement shall be for five (5) years, with one option for renewal at market rates, commencing on August 20th, 2020 and expiring on January 31st, 2025.
2. Rent shall be the sum of **EIGHTEEN THOUSAND EIGHT HUNDRED** plus HST (\$18,800 plus HST) per year, payable in one installment payable to the City Treasurer, November 1st in each year of the agreement. The Tenant shall pay rent without demand.
3. To use the Lands for agricultural purposes only and not to carry out or permit to be carried out upon the Lands any business that may be deemed a nuisance to or disturbance of the occupiers or owners of the adjoining lands and to carry on the operation of the business using proper farming methods including adequate application of fertilizers and crop rotation in order to keep the soil in good productive condition.
4. Not to assign this Lease Agreement without written consent, which consent may not be unreasonably withheld.
5. To comply with all applicable laws, by-laws, and regulations of every federal, provincial or municipal department or organization.
6. To remove, before they go to seed, all weeds upon the Lands during the term of this Lease Agreement.
7. To keep the Lands neat and tidy, and to remove all ashes and rubbish.
8. To construct no buildings or structures on the Lands.
9. To indemnify and hold the City harmless from and against all liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part by any acts or omissions either in negligence or in nuisance whether willful or otherwise by the Tenant, or other persons for whom the Tenant is responsible.
10. At its own expense, obtain and maintain
 - i) Liability Insurance covering farm operations in a form satisfactory to the Manager, Risk Management in an amount not less than Five Million Dollars (\$5,000,000.00) This policy shall also include pollution liability for injury or damage arising from farming operations on or off the Lands and shall include the City as an additional insured with respect to the Tenant's operations and obligations under this Lease Agreement;
 - ii) Standard farm property insurance covering produce, livestock, machinery and equipment owned or leased by the Licensee, such policy shall include a waiver of subrogation in favour of the City; and
 - iii) Automobile liability insurance for an amount not less than Two Million Dollars (\$2,000,000.00) on forms meeting statutory requirements covering all vehicles used in any manner in connection with the performance of the terms of this Lease Agreement.
 - iii) The above-mentioned insurance shall not be cancelled or permitted to lapse unless the insurer notifies the City in writing at least thirty (30) days prior to the date of cancellation or expiry. The Tenant will provide that evidence of such insurance shall be delivered to the City at inception of this Lease Agreement and thereafter promptly on the insurance renewal date.

- iv) The City reserves the right to request, from time to time, such higher limits of insurance or other types' of policies appropriate to this Lease Agreement as the City may reasonably require.
11. To take good care of the Lands, to ensure that the farming of the Lands and maintaining of improvements thereon is performed in a careful and prudent manner, and to ensure that the condition in which the Tenant found it, notwithstanding ordinary wear and tear or unavoidable casualties which are not the fault of the Tenant.
 12. To allow the City the right to enter upon the Lands to inspect, to make improvements thereon, and for any and all lawful purposes arising from the ownership of the farm so long as it does not interfere with the rights of the Tenant as provided in this Lease Agreement.
 13. The City may terminate this Lease Agreement on sixty (60) days written notice should the Lands be required for municipal purposes.
 14. In the event that the Tenant fails to comply with any term of this Lease Agreement, the City may terminate the privilege and contract herein granted at any time by giving notice in writing to the Tenant specifying the nature of the default and upon expiration of thirty (30) days following delivery of such notice, the default has not been cured, this Lease Agreement shall at the option of the City cease and be at an end. Any waiver by the City of any breach by the Tenant of any provisions of this Lease Agreement shall be without prejudice to the exercise by the City of all or any of its rights or remedies in respect of any continuance or repetition of such breach.
 15. Should any crop be lost through cancellation of this Lease Agreement pursuant to Clause 13, if all of the Lands are required by the City then all rent paid will be refunded. Should only part of the Lands be required by the City, then as compensation for any crop lost on the affected part, rent paid will be refunded on a prorated basis, with the percentage of rent paid to be refunded based on and equal to the percentage of land required by the City. Any rent owing for the period subsequent to the termination until the end of the Lease Agreement will be paid for the remaining parcel on a prorated basis and it is understood by the Tenant that the said refund shall be accepted by the Tenant as full compensation for any such loss of crops, including lost revenue, and all money spent on the production of said crops (including but not limited to, costs of labour, machinery, fertilizer, seed and fuel).
 16. Should cancellation of this Lease Agreement pursuant to clause 13 occur subsequent to the harvesting of crops, if all of the Lands are required by the City, then any rent paid for the period subsequent to termination shall be refunded on a prorated basis, and any rents not paid for the period prior to termination shall become due and owing on the date of payment specified in this Lease Agreement on a prorated basis. If only part of the Lands is required by the City, any refund will be prorated based on the percentage of the Lands required by the City, and any rent owing for the period prior to termination will be paid based on all of the Lands, and any rent owing for the period subsequent to termination until the end of the Lease Agreement will be paid for the remaining portion of the Lands on a prorated basis.
 17. The Tenant agrees to provide a valid Farm Business Registration Number to support Farm Property Class Tax Rate Program and related eligibility requirements. The Tenant further agrees to provide certification of farming activities in support of the City's related applications under the Program.
 18. In the final year of this agreement, after the last crop is harvested and prior to December 1st, the tenant agrees to fall till the lands.

19. All notices which may be necessary or proper for either party to serve upon the other, shall be effectively served if sent postage prepaid to the following addresses:

City's Address:

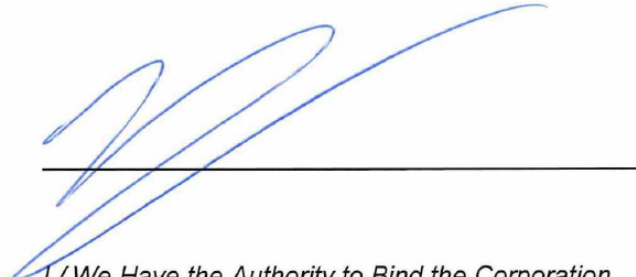
The Corporation of the City of London
Manager, Realty Operations
300 Dufferin Avenue
P.O. Box 5035
London ON N6A 4L9

Tenant's Address:

Field and Flock Farms Ltd
Mat Versteegh
50292 Vienna Line
Aylmer, ON N5H 2R2

IN WITNESS WHEREOF the Tenant has affixed its corporate seal, attested by the hands of its duly authorized officers, this 22 day of June 2020,

Witness:



I/We Have the Authority to Bind the Corporation

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

IN WITNESS WHEREOF The Corporation of the City of London has hereunto caused to be affixed its Corporate Seal attested by the hands of its proper signing officers pursuant to the authority contained in By-law _____ of The Council of The Corporation of the City of London passed the _____ day of _____,

THE CORPORATION OF THE CITY OF LONDON

Ed Holder, Mayor

Catharine Saunders, City Clerk

APPENDIX "A" SOURCE OF FINANCING REPORT

APPENDIX 'A'
CONFIDENTIAL

#20103

Chair and Members
Corporate Services Committee

July 13, 2020
(Property Acquisition)

**RE: Property Acquisition - W12A Buffer - 4025 Manning Drive
Subledger (LD200025)
Capital Project SW6030 - Landfill Site Property Acquisition**

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that the total cost of this purchase is not included in the approved Capital Works Budget but can be accommodated with a draw from the Sanitary Landfill Reserve Fund and that, subject to the adoption of the recommendations of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the detailed source of financing for this project is:

<u>SUMMARY OF ESTIMATED EXPENDITURES</u> 2)	<u>Approved Budget</u>	<u>Additional Financing</u>	<u>Revised Budget</u>	<u>Committed to Date</u>	<u>This Submission</u>
Land Acquisition	\$11,972,569	\$1,832,423	\$13,804,992	\$11,973,981	\$1,831,011
NET ESTIMATED EXPENDITURES	<u>\$11,972,569</u>	<u>\$1,832,423</u>	<u>\$13,804,992</u>	<u>\$11,973,981</u> 1)	<u>\$1,831,011</u>
<u>SUMMARY OF FINANCING:</u>					
Drawdown from Sanitary Landfill Reserve Fund 3)	\$11,927,102	\$1,832,423	\$13,759,525	\$11,928,514	\$1,831,011
Funded from Operations	45,467		45,467	45,467	
TOTAL FINANCING	<u>\$11,972,569</u>	<u>\$1,832,423</u>	<u>\$13,804,992</u>	<u>\$11,973,981</u>	<u>\$1,831,011</u>

1) Financial Note:

Purchase Cost	\$1,750,000
Add: Environmental test & other disbursements	12,000
Sub-total	<u>1,762,000</u>
Add: Land Transfer Tax	38,000
Add: HST @13%	229,060
Less: HST Rebate	(198,049)
Total Purchase Cost	<u>\$1,831,011</u>

NOTES:

- 2) The approved budget for SW6030 - Landfill Site Property Acquisition includes life-to-date budget for this capital project.
- 3) The additional financing required in the amount of \$1,832,423 is available as an additional drawdown from the Sanitary Landfill Reserve Fund. The uncommitted balance in the Sanitary Landfill Reserve Fund will be approximately \$2.9 million with the approval of this purchase. According to Corporate Finance policy, the capital project SW6030 - Landfill Site Property Acquisition has not been funded since 2013. Funding for this and all future land acquisitions will be drawn directly from the Sanitary Landfill Reserve Fund that has been established and funded to support these land acquisitions, plus other capital projects related to the landfill.

ms


 Kyle Murray
 Director of Financial Planning & Business Support