



## Council Minutes

The 2nd Meeting of City Council  
January 12, 2021, 4:00 PM

Present: 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, S. Turner, E. Pelozza, A. Kayabaga, S. Hillier

Also Present: C. Saunders, M. Schulthess, J. Taylor and B. Westlake-Power.  
Remote Attendance: L. Livingstone, A. Barbon, G. Barrett, G. Belch, M. Butlin, B. Card, K. Dickins, G. Kotsifas, K. Scherr, C. Smith, S. Stafford, B. Warner.  
The meeting was called to order at 4:12 PM, with Mayor E. Holder in the Chair and all Members participating, except Councillor S. Turner; it being noted that the follow Members attended the meeting remotely: 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 P. Van Meerbergen discloses a pecuniary interest in Item 8.5 (4.5 c)) of the 2nd Report of the Strategic Priorities and Policy Committee, having to do with matters associated with childcare, by indicating that his spouse operates a daycare business.

Councillor J. Helmer discloses a pecuniary interest in Item 8.5 (4.5 b)) of the 2nd Report of the Strategic Priorities and Policy Committee, having to do with the golf operating budget, by indicating that his father is an employee of the National Golf Course Owners Association and the City is a Member of the Association.

Councillor S. Turner discloses a pecuniary interest in Item 8.6 (2.1) of the 3rd Report of the Strategic Priorities and Policy Committee, having to do with the Mandatory Face Coverings By-law Status Update, by indicating that he is an employee of the Middlesex London Health Unit.

### 2. Recognitions

#### 2.1 Mayor's New Year's Honour List

His Worship the Mayor recognizes the contributions made to London by the following citizens who were named to the 2021 Mayor's New Year's Honour List in the categories indicated: Gerald (Gerry) LaHay, posthumously (Accessibility); Jean Knight (Age Friendly); Betty Anne Younker (Arts); Joey Hollingsworth, Jim Campbell, Mitchell A. Baran, posthumously and Wayne Dunn (Distinguished Londoner); Mary Alikakos (Diversity and Race Relations); Marianne Griffith (Environment); Sylvia Chodas (Heritage); Abe Oudshoorn (Housing); Jeremy McCall (Humanitarianism); Murray Howard (Sports)

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

None.

Motion made by: E. Pelozza  
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. 18, being a by-law to confirm the proceedings of the Council Meeting held on the 12th Day of January 2021, which will be considered, prior to Stage 14 – Adjournment; and

b) Stage 9 – Added Reports –Item 9.1 - 2nd Report of Council, In Closed Session be considered after Stage 4 – Council, In Closed Session.

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, S. Hillier

Absent: (1): S. Turnerr

**Motion Passed (14 to 0)**

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

5.1 1st Meeting held on December 8, 2020

Motion made by: S. Lewis

Seconded by: S. Hillier

That the Minutes of the 1st Meeting held on December 8, 2020, BE APPROVED.

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

Absent: (1): S. Turner

**Motion Passed (14 to 0)**

## **6. Communications and Petitions**

Motion made by: S. Lehman

Seconded by: A. Hopkins

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

6.1 Governance Functional Review – Housing Development Corporation, London (HDC)

1. C. Sprovieri, Homes Unlimited (London) Inc.

6.2 Review of Budget Amendments (2021 to 2023 totals: rounded to the closest \$1,000)

1. Councillor M. van Holst

2. (ADDED) C. Butler, 863 Waterloo Street

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, S. Hillier

Absent: (1): S. Turner

**Motion Passed (14 to 0)**

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

None.

## 8. Reports

### 8.1 1st Report of the Corporate Services Committee

Motion made by: M. Cassidy

That the 1st Report of the Corporate Services Committee, BE APPROVED.

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, S. Hillier

Absent: (1): S. Turner

**Motion Passed (14 to 0)**

#### 1. (1.1) Disclosures of Pecuniary Interest

Motion made by: M. Cassidy

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

#### 2. (1.2) Election of Vice Chair for the term ending November 30, 2021

Motion made by: M. Cassidy

That Councillor Michael van Holst BE ELECTED Vice Chair of the Corporate Services Committee for the term ending November 30, 2021.

**Motion Passed**

#### 3. (2.1) Update to Lottery Licensing By-law

Motion made by: M. Cassidy

That, the following actions be taken with respect to the Lottery Licensing By-law:

a) the report dated December 14, 2020 entitled "Update to Lottery Licensing By-law", BE RECEIVED; and

b) the City Clerk BE DIRECTED to consult with community organizations and charity associations involved in lottery licensing with respect to the proposed changes to the Lottery Licensing By-law as set out in a) above, and report back to the Corporate Services Committee with the results of that consultation.

**Motion Passed**

#### 4. (2.2) Financial Banking Services and Commercial Card Agreements - Agreement Extension (Relates to Bill No. 19)

Motion made by: M. Cassidy

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the proposed by-law, as appended to the staff report dated December 14, 2020

as Appendix 'A' BE INTRODUCED at the Municipal Council Meeting to be held on January 12, 2021 to:

- a) authorize the City Treasurer to approve and execute, together with the Mayor, any document, form or agreement that may be required for financial services with the Bank of Nova Scotia;
- b) authorize the Mayor and City Clerk to execute any contract or other document required to renew and amend the Banking Services Agreement with Scotiabank, in a form or forms acceptable to the Managing Director Corporate Services and City Treasurer, Chief Financial Officer;
- c) authorize the Mayor and City Clerk to execute the Banking Resolution and Certificate, as appended to the above-noted by-law; and
- d) authorize the City Treasurer to borrow up to two (2) million dollars on the Visa Commercial Card Program provided by the Bank of Nova Scotia.

**Motion Passed**

8.2 1st Report of the Planning and Environment Committee

Motion made by: P. Squire

That the 1st Report of the Planning and Environment Committee BE APPROVED.

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. Peloza, A. Kayabaga, S. Hillier

Absent: (1): S. Turner

**Motion Passed (14 to 0)**

1. (1.1) Disclosures of Pecuniary Interest

Motion made by: P. Squire

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (1.2) Election of Vice Chair for the term ending November 30, 2021

Motion made by: P. Squire

That Councillor Hopkins BE ELECTED as Vice Chair of the Planning and Environment Committee for the term ending November 30, 2021.

**Motion Passed**

3. (2.1) 4th Report of the Environmental and Ecological Planning Advisory Committee

Motion made by: P. Squire

That S. Levin, Chair, Environmental and Ecological Planning Advisory Committee (EEPAC) BE GRANTED authority to draft a summary of comments from EEPAC members with respect to the City of London 2021 Budget Update for submission to the Strategic Priorities and Policy Committee; it being noted that the Planning and Environment Committee reviewed and received the 4th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on November 26, 2020.

**Motion Passed**

4. (2.2) Argyle Regeneration Study Recommendations

Motion made by: P. Squire

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to the Argyle Area Regeneration Study:

a) the staff report dated December 14, 2020, entitled "Argyle Regeneration Study Recommendations" BE RECEIVED for information; and,

b) the Civic Administration BE DIRECTED to undertake the development of a Community Improvement Plan for the Argyle area;

it being noted that any potential funding requirements associated with the Argyle Community Improvement Plan will be identified for Council's consideration as part of a comprehensive review and recommendation on funding levels for all Community Improvement Plan programs, prior to the 2024-2027 Multi Year Budget process.

**Motion Passed**

5. (2.3) Application - 3087 White Oak Road - Removal of Holding Provisions (h, h-100, h-161 and h-227) (H-9235) (Relates to Bill No. 29)

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, based on the application by Whiterock Village Inc., relating to the property located at 3087 White Oak Road, the proposed by-law appended to the staff report dated December 14, 2020 BE INTRODUCED at the Municipal Council meeting to be held on January 12, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the

subject property FROM a Holding Residential R1 Special Provision (h\*h-100\*h-161\*R1-3 (21)) Zone, a Holding Residential R1 Special Provision h\*h-100\*h-161\*R1-3 (22)) Zone TO a Residential R1 Special Provision R1-3 (21) Zone, and a Residential R1 Special Provision (R1-3 (22)) Zone to remove the h, h-100, h-161 and h-227 holding provisions.

**Motion Passed**

6. (2.4) Application - Removal of Holding Provision - 1093 Westdel Bourne (H-9185) (Relates to Bill No. 30)

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, based on the application by Norquay Developments, relating to a portion of the lands located at 1093 Westdel Bourne, the proposed by-law appended to the staff report dated December 14, 2020 BE INTRODUCED at the Municipal Council meeting to be held on January 12, 2021 to amend Zoning By-law Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a holding Residential R1 (h.h-82\*R1-4) TO a Residential R1 (R1-4) Zone to remove the holding provisions.

**Motion Passed**

7. (2.5) Subsections 45 (1.3) and (1.4) of the Planning Act Regarding the Two-Year Freeze on Minor Variances Following a Privately Initiated Zoning Amendment

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to Minor Variances as per subsections 45 (1.3) and (1.4) of the *Planning Act*, R.S.O. 1990, c. P.13:

- a) the staff report dated December 14, 2020 entitled "Subsections 45 (1.3) and (1.4) of the *Planning Act*, R.S.O. 1990, c. P.13 regarding the two-year freeze on Minor Variances following a privately initiated Zoning Amendment" BE RECEIVED for information;
- b) the Municipal Council BE REQUESTED to resolve that subsection 45 (1.3) of the *Planning Act*, R.S.O. 1990, c. P.13 shall not apply, pursuant to subsection 45 (1.4) of the *Planning Act*, R.S.O. 1990, c. P.13;
- c) pursuant to subsection 45 (1.4) of the *Planning Act*, R.S.O. 1990, c. P.13, all Minor Variances shall be exempted from the two-year moratorium contemplated in subsection 45 (1.3) of the *Planning Act*, R.S.O. 1990, c. P.13 except for the following classes of applications:
  - i) applications for Minor Variance to any zone that is in conjunction with an h-5 holding provision requiring a public site plan review;
  - ii) applications for Minor Variance to any Bonus Zones passed under S.37 of the *Planning Act*, R.S.O. 1990, c. P.13;
  - iii) applications for Minor Variance to modify a regulation permitted by Special Provision;

- iv) applications for Minor Variance to a General Provision (Section 4) within the Z.-1 Zoning By-law; and,
- v) applications for Minor Variance to change a Definition (Section 2) within the Z.-1 Zoning By-law.

**Motion Passed**

8. (2.6) Building Division Monthly Report for October 2020

Motion made by: P. Squire

That the Building Division Monthly Report for October 2020 BE RECEIVED for information.

**Motion Passed**

9. (3.1) Application - Draft Plan of Vacant Land Condominium - 3542 Emilycarr Lane 39CD-19516

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Goldfield Ltd., relating to the property located at 3542 Emilycarr Lane:

a) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 3542 Emilycarr Lane; and,

b) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 3542 Emilycarr Lane;

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

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

- the proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, which directs new development to designated growth areas and areas adjacent to existing development;
- the proposed Vacant Land Condominium conforms to the in-force policies of The London Plan including but not limited to Our Tools, Key Directions, and the Neighbourhoods Place Type policies;
- the proposed Vacant Land Condominium conforms to the policies of the Southwest Area Secondary Plan and will implement an appropriate housing form for the North Longwoods Neighbourhood; and,

- the proposed Vacant Land Condominium conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-Family, Medium Density Residential Designation and will implement an appropriate form of residential development for the site.

**Motion Passed**

10. (3.2) Application - 260 Sarnia Road (Z-9246) (Relates to Bill No. 31)

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, based on the application by Shana'a Holdings Inc., relating to the property located at 260 Sarnia Road, the proposed by-law appended to the staff report dated December 14, 2020 BE INTRODUCED at the Municipal Council meeting to be held on January 12, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R1 (R1-9) Zone TO a Residential R8 Special Provision (R8-4 ( )) Zone;

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

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

- the requested amendment is consistent with the policies of the Provincial Policy Statement, 2020 that encourage efficient development and land use patterns that support the use of transit and active transportation where it exists;
- the recommended amendment conforms to the in-force policies of The London Plan including but limited to the Key Directions, City Design policies, and Neighbourhoods Place Type policies that contemplate townhouses as a primary permitted use where the property has frontage on a Civic Boulevard;
- the requested amendment conforms to the Residential Intensification policies of The London Plan and the 1989 Official Plan which direct intensification to ensure that character and compatibility with the surrounding neighbourhood is maintained. The subject lands represent an appropriate location for Residential Intensification, within the Built-Area Boundary and Primary Transit Area, along a higher-order street at the periphery of an existing neighbourhood. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood; and,
- the requested amendment is consistent with the policies for Near Campus Neighbourhoods in The London Plan and the 1989 Official Plan, insofar as the site is unique within its context and has special attributes that warrant a site-specific amendment to permit the proposed form and intensity of development. As well, the site can reasonably accommodate the use, intensity and form of the proposed use.

**Motion Passed**



11. (3.3) Application - Applewood Subdivision - 660 Sunningdale Road East - Application for Zoning By-law Amendment - Request for Revisions to Draft Plan Subdivision 39T-09501 (Z-9243) (Relates to Bill No. 32)

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Auburn Developments Ltd., relating to portions of the lands located at 660 Sunningdale Road East:

a) the proposed by-law appended to the staff report dated December 14, 2020 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on January 12, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 Special Provision (h\*h-100\*h-173\*R1-4(27) Zone TO a Holding Residential R4 Special Provision (h\*h-100\*h-173\*R4-6( )) Zone, FROM a Holding Residential R1/R4 Special Provision (h\*h-100\*h-173\*R1-3)/R1-4(27) Zone TO a Holding Residential R5/R6 Special Provision (h\*h-100\*h-173\*R5-6(\_\_)/R6-5(\_\_)) Zone; Special provisions for the proposed R5-6(\_\_)/R6-5(\_\_) zone would include rear yard decks to encroach in the yard setback as per section 4.27 (5) but may be closer than the stipulated maximum of 1.2m (3.9 feet) permitted;

b) the Approval Authority BE ADVISED that the Municipal Council supports the proposed red-line revisions to the draft-approved plan of subdivision as submitted by Clawson Group Inc., prepared by Archibald, Gray & McKay Engineering Ltd. (Drawing No. DP 1, Office File: 1442-1 dated June 4, 2020), which shows the amalgamation of Blocks 21-24, Blocks 27-29, Block 26, Block 30 and Streets "H", "J", Moon Street and Luna Crescent SUBJECT TO the conditions contained in staff report dated December 14, 2020 as Appendix 'A-2'; and,

c) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the proposed red-line revisions to the draft plan of subdivision for Applewood Subdivision, as submitted by Clawson Group Inc.;

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

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

- the recommended zoning amendments and revisions to draft plan of subdivision are considered appropriate and consistent with the Provincial Policy Statement;
- the proposed and recommended amendments conform to the in-force policies of The London Plan, including but not limited to Our Strategy, Our City and the Key Directions, as well as conforming to the policies of the Neighbourhoods Place Type;

- the proposed and recommended amendments conform to the policies of the (1989) Official Plan, specifically Low Density Residential and Multi-Family, Medium Density Residential; and,
- the zoning and red-line revisions as proposed are compatible and in keeping with the character of the existing neighbourhood.

**Motion Passed**

12. (5.1) Deferred Matters List

Motion made by: P. Squire

That the Director, City Planning and City Planner and the Managing Director, Development and Compliance Services & Chief Building Official BE DIRECTED to update the Deferred Matters List to remove any items that have been addressed by the Civic Administration.

**Motion Passed**

13. (5.2) 1st Report of the London Advisory Committee on Heritage

Motion made by: P. Squire

That the following actions be taken with respect to the 1st Report of the London Advisory Committee on Heritage, from its meeting held on December 9, 2020:

a) on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, with respect to the heritage designated property at 660 Sunningdale Road East (2370 Blackwater Road), the following actions be taken:

- i) Notice BE GIVEN under the provisions of Section 30.1(4) of the Ontario Heritage Act, R. S. O. 1990, c. O. 18, of Municipal Council's intention to pass a by-law to amend the legal description of the property designated to be of cultural heritage value or interest by By-law No. L.S.P.-3476-474, as amended, as defined in the staff report dated December 9, 2020 as Appendix B; and,
- ii) should no appeals be received to Municipal Council's notice of intention to pass a by-law to amend the legal description of the property, a by-law BE INTRODUCED at a future meeting of Municipal Council immediately following the end of the appeal period;

it being noted that should an appeal to Municipal Council's notice of intent to pass a by-law to amend the legal description of the property be received, the City Clerk will refer the appeal to the Conservation Review Board;

b) on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 33 of the Ontario Heritage Act for consent to alter the heritage designated property at 660 Sunningdale Road East (2370 Blackwater Road) BE GIVEN subject to the following terms and conditions:

- the mortar used in the adaptive reuse colour match the existing mortar;
- a corrugated sheet metal roof material, as shown in Appendix D6, be used for the roof of the barns and their gable ends;

- the replica concrete piers faithfully replicate the details of the original concrete piers, including the colour and casting details/lines;
- within amendment(s) to this Heritage Alteration Permit, the following details be provided:
  - specifications on the proposed outer windows;
  - specification on the proposed new doors/doorways;
  - specifications on the proposed interior walls of the barns, demonstrating their reversibility, the protection of the interior clay tiles, as well as the cladding/finish of the interior walls;
  - mechanical and electrical requirements required to facilitate the adaptive reuse of the barns;
  - approval authority for subsequent amendment to this Heritage Alteration Permit required to implement the adaptive reuse of the red barns be delegated to the City Planner;
  - the Civic Administration be directed to pursue a Heritage Easement Agreement with the property owner to define the scope and extent of the interior clay tile required for preservation;
  - where possible, the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed; and,
  - the property owner commemorate and interpret the cultural heritage value of the barns, the adaptive reuse of the barns, and the three original barns through signage;

it being noted that a verbal delegation from R. Redshaw, MHBC, with respect to this matter, was received;

c) on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval for alterations to property at 59 Wortley Road, within the Wortley Village-Old South Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the replacement railing on the steps be constructed of iron (metal) with a painted or powder coated finish as depicted in the staff report dated December 9, 2020 as Appendix C; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

d) on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval for the alterations to the heritage designated property at 61 Wilson Avenue, within the Blackfriars/Petersville Heritage Conservation District, BE PERMITTED as submitted in the drawings appended to the staff report dated December 9, 2020 as Appendix C with terms and conditions that all exposed wood be painted within one year of Municipal Council's decision;

e) on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval for alterations on English Street, within the Old East Heritage Conservation District, BE PERMITTED;

f) the London Advisory Committee on Heritage 2021 membership with the Community Heritage Ontario BE APPROVED; it being noted that the CHOnews newsletter for Autumn 2020, was received; and,

g) clauses 1.1 and 1.2 and 3.1 to 3.3, inclusive, BE RECEIVED for information.

**Motion Passed**

8.3 2nd Report of the Community and Protective Services Committee

Motion made by: J. Helmer

That the 2nd Report of the Community and Protective Services Committee BE APPROVED.

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, S. Hillier

Absent: (1): S. Turner

**Motion Passed (14 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: J. Helmer

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (2.1) 3rd Report of the Accessibility Advisory Committee

Motion made by: J. Helmer

That the following actions be taken with respect to the 3rd Report of the Accessibility Advisory Committee, from the meeting held on November 26, 2020:

a) Jay Menard BE APPOINTED as the interim Accessibility Advisory Committee representative to the Community Diversity and Inclusion Strategy (CDIS) Leadership Table; it being noted that a permanent representative will be appointed in early 2021;

b) Jay Menard, Chair, Accessibility Advisory Committee (ACCAC) BE GRANTED authority to draft a summary of comments from ACCAC members with respect to the City of London 2021 Budget Update for submission to the Strategic Priorities and Policy Committee; and,

c) clauses 1.1, 2.1 to 2.3 and 5.2, BE RECEIVED.

**Motion Passed**

3. (2.4) Irregular Result - Request for Proposal 20-63 - Contract Award Recommendation for Homeless Prevention Resting Spaces

Motion made by: J. Helmer

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Deerness Home and Manager, Purchasing and Supply, with the concurrence of the Director, Financial Services and the City Manager, the following actions be taken with respect to the staff report dated December 15, 2020

related to a Contract Award Recommendation for Homeless Prevention Resting Spaces:

- a) the Request for Proposal 20-63 BE AWARDED to the London Cares Homeless Response Service and Canadian Mental Health Association Elgin-Middlesex for a combined total funding amount of \$992,000 in 2021 to provide Resting Spaces, with an option to renew for up to two (2) additional one (1) year terms at the City's sole discretion, based on satisfactory services, performance, and funding/budget availability throughout the City of London and/or other funding sources; it being noted that the proposals submitted by all proponents meet the City's requirements and are in compliance with the Procurement of Goods and Services Policy;
- b) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in relation to this project; and,
- c) the approval, given herein, BE CONDITIONAL upon the Corporation entering into a Purchase of Service Agreement with the London Cares Homeless Response Service and Canadian Mental Health Association Elgin-Middlesex. (2020-S11)

**Motion Passed**

- 4. (2.5) Update on Urgent Transitional and Modular Supported Housing Development Report on July 15, 2020

Motion made by: J. Helmer

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 December 15, 2020 related to an update on urgent transitional and modular supported housing:

- a) the Civic Administration BE DIRECTED to continue advancing opportunities to develop additional properties to create up to 150 units;
- b) the financing for the modular housing development at 122 Baseline Road BE APPROVED as set out in the Sources of Financing Report, as appended to the above-noted staff report;
- c) the Civic Administration BE DIRECTED to develop communication strategies to engage impacted communities including required communications from City of London, Development and Compliance Services as well as a 'Get Involved' survey for Londoners to provide feedback about affordable housing; and,
- d) the above-noted staff report BE RECEIVED. (2020-S11)

**Motion Passed**

- 5. (2.6) 345 Sylvan Street and Stabilization Space Update

Motion made by: J. Helmer

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 December

15, 2020 related to an update on the 345 Sylvan Street and stabilization space:

- a) the Acting Managing Director, Housing, Social Services and Dearness Home, in partnership with the Housing Development Corporation, London (HDC), BE DIRECTED to prepare the property located at 345 Sylvan Street for a zoning by-law amendment which promotes a range of uses that conform to the Official Plan up to and including demolition of the existing structure as deemed necessary;
- b) the Civic Administration BE DIRECTED to pursue Federal and Provincial funding opportunities for preparing the property located at 345 Sylvan Street that promote a range of uses that conform to the Official Plan; and,
- c) the Civic Administration BE DIRECTED to continue to pursue operational funding opportunities and secure alternate locations for the operation of stabilization spaces, as intended within the scope of the Council approved Core Area Action Plan (CAAP). (2020-S11)

**Motion Passed**

6. (2.7) Parkland Acquisition Costs Within Subdivision Plan 33M-757 (Relates to Bill No. 20)

Motion made by: J. Helmer

That, on the recommendation of the Managing Director, Parks and Recreation, on the advice of the Division Manager, Parks Planning and Operations and on the advice and with the concurrence of the Manager of Realty Services, the following actions be taken with respect to the Parkland Acquisition related to specific requirements within Subdivision Plan 33M-757, as shown on the Location Map appended to the staff report dated December 15, 2020, further described as Blocks 131, 135, 137, 138 and 147, in the City of London, County of Middlesex, for the purpose of parkland for the Edge Valley Subdivision and to ensure that the Thames Valley Parkway can continue to be extended along the river valley edge:

- a) the cost of land acquisition, as agreed between The Corporation of the City of London and Drewlo Holdings Inc., for the City to acquire lands to be used for parkland and open space purposes for the total sum of \$712,746.10, BE ACCEPTED;
- b) the offers submitted by Drewlo Holdings Inc. (the "Vendor"), as appended to the above-noted staff report as Appendices "B", "C" and "D", to sell the subject property to the City, for the sum of \$712,746.10, BE ACCEPTED, subject to the approval of the above-noted budget;
- c) the source of financing for this acquisition, as set out in the Source of Financing Report, as appended to the above-noted staff report, BE APPROVED; and,
- d) subject to the above-noted approvals, the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on January 12, 2021, to:
  - i) authorize and approve the Agreements, as appended to the above-noted by-law, being Purchase and Sale Agreements between The Corporation of the City of London and Drewlo Holdings Inc. for Blocks 131, 135, 137, 138 and 147 in Registered Plan 33M-757; and,

- ii) authorize the Mayor and the City Clerk to execute the above-noted Agreements. (2020-D12)

**Motion Passed**

7. (2.2) East Lions Community Centre Construction Update

Motion made by: J. Helmer

That, on the recommendation of the Managing Director, Neighbourhood, Children and Fire Services, the Managing Director, Parks and Recreation and the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken with respect to the East Lions Community Centre Construction Update:

- a) the report dated December 15, 2020, with respect to the above-noted matter, BE RECEIVED;
- b) the existing contract with MacLennan Jaunkalns Miller Architects Ltd., BE INCREASED by \$426,230.00, to an upset limit of \$1,515,430.00 (excluding HST), in accordance with Section 20.3 (e) of the 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 above-noted staff report; and,
- d) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in connection with the project. (2020-R05B)

**Motion Passed**

8. (2.3) Single Source Procurement of Resting Spaces (Single Source #SS20-29) and Programs (Single Source #SS20-37) for Indigenous Individuals Experiencing Homelessness

Motion made by: J. Helmer

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Dearness Home, with the concurrence of the Director, Financial Services, the following actions be taken with respect to the staff report dated December 15, 2020, related to the Single Source Procurement of Resting Spaces and Programs for Indigenous Individuals Experiencing Homelessness:

- a) a contract BE AWARDED to Atlohosa Family Services, up to a maximum funding amount of \$225,000 for the period up to March 31, 2021, to provide programs for Indigenous individuals and families experiencing homelessness with an option to renew for up to two (2) additional one (1) year terms at the City's sole discretion, based on satisfactory services, performance, and funding/budget availability through the City of London, and/or other funding sources;
- b) a contract BE AWARDED to Atlohosa Family Services for a total funding amount of \$250,000 in 2021 to provide Resting Spaces for Indigenous individuals and families experiencing homelessness, with an option to renew for up to two (2) additional one (1) year terms at the City's sole discretion, based on satisfactory services, performance, and funding/budget availability;

c) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in relation to these projects; and,

d) that the approval given, herein, BE CONDITIONAL upon the Corporation entering into a Purchase of Service Agreement with Atlohsa Family Services. (2020-S11)

**Motion Passed**

9. (4.1) Core Area Free Parking

Motion made by: J. Helmer

That the following actions be taken with respect to the communication from A. Valastro, as appended to the agenda, related to a request for delegation with respect to Core Area Free Parking:

a) the above-noted request for delegation BE APPROVED; and,

b) the above-noted communication and verbal delegation from A. Valastro BE RECEIVED.

**Motion Passed**

10. (4.2) Eldon House Board of Directors Membership

Motion made by: J. Helmer

That the City Clerk BE DIRECTED to bring forward to a future meeting of the Municipal Council a by-law to incorporate the proposed amendments to the Eldon House Corporation by-law, as requested by the Eldon House Corporation Board of Directors as outlined in the communication dated November 24, 2020, from M. Donachie, Eldon House Corporation. (2020-C12)

**Motion Passed**

11. (4.3) Priorities for This Council Year Discussion

Motion made by: J. Helmer

That the communication from Councillor J. Helmer, with respect to a discussion on the priorities of the Community and Protective Services Committee (CPSC) for the current Council year, BE RECEIVED; it being noted that the CPSC held a general discussion with respect to this matter. (2020-C04)

**Motion Passed**

12. (5.1) Deferred Matters List

Motion made by: J. Helmer

That the following actions be taken with respect to the Deferred List for the Community and Protective Services Committee, as at December 7, 2020:



- a) items 1, 2, 13 and 14, on the above-noted Deferred Matters List, BE REMOVED; and,
- b) the above-noted Deferred Matters List BE RECEIVED.

**Motion Passed**

8.4 1st Report of the Strategic Priorities and Policy Committee

Motion made by: J. Morgan

That the 1st Report of the Strategic Priorities and Policy Committee BE APPROVED.

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. Peloza, A. Kayabaga, S. Hillier

Absent: (1): S. Turner

**Motion Passed (14 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: J. Morgan

That it BE NOTED that no pecuniary interests were disclosed.

**Motion Passed**

2. (3.1) 2021 Budget

Motion made by: J. Morgan

That the following written submissions for the 2021 - 2023 Multi-Year Budget 2020 Public Participation Meeting BE RECEIVED for consideration by the Municipal Council as part of its 2020 Multi-Year approval process:

a communication dated November 29, 2020 from C. Butler; and  
a communication dated November 30, 2020 from V. Lubrano III;

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

**Motion Passed**

8.5 2nd Report of the Strategic Priorities and Policy Committee

Motion made by: J. Morgan

That the 2nd Report of the Strategic Priorities and Policy Committee BE APPROVED.

Motion made by: J. Morgan

That Items 1 and 2 (3.1) BE APPROVED.

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, S. Hillier

Absent: (1): S. Turner

**Motion Passed (14 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: J. Morgan

Councillor S. Turner discloses a pecuniary interest in matters associated with the funding for the Middlesex London Health Unit (MLHU), by indicating that the MLHU is his employer. Councillor S. Turner further discloses a pecuniary interest in matters associated with children's services, specifically with funding for EarlyON, by indicating that his spouse is employed by Childreach.

Councillor P. Van Meerbergen discloses a pecuniary interest in matters associated with childcare, by indicating that his spouse operates a daycare business.

Councillor J. Helmer discloses a pecuniary interest in the golf operating budget, by indicating that his father is an employee of the National Golf Course Owners Association, and the City is a member of the Association.

**Motion Passed**

2. (3.1) 2021 Budget Overview Presentation

Motion made by: J. Morgan

That it BE NOTED that the 2021 Budget Overview presentation from the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer was received.

**Motion Passed**

3. (4.1) Review of Budget Amendments (2021 to 2023 totals: rounded to the closest \$1,000)

Motion made by: J. Morgan

That the following actions be taken with respect to the 2021 Annual Budget Update:

- a) Case #1 - RBC Place London - Promissory Note Forgiveness - Operating Expenditure (\$72,000); Net Levy \$0, BE APPROVED;
- b) Case #2 - RBC Place - Revised Capital Plan - Capital Expenditure \$166,000; Net Levy \$0, BE APPROVED;
- c) Case #3 - Recycling and Composting - Repair of Material Recovery Facility Fire Suppressant System - Capital Expenditure \$800,000; Net Levy \$0, BE APPROVED;

- d) Case #4 - Children's Services - Reduction in Required Investment in 2021 due to impacts of COVID-19 - Operating Expenditure (\$1,630,000); Net Levy (\$1,630,000), BE APPROVED;
- e) Case #5 - Middlesex-London Health Unit - Increased Funding by the Ministry of Health in 2021 - Operating Expenditure (\$610,000); Net Levy (\$610,000), BE APPROVED;
- f) Case #6 - Ontario Works - Reduction in Investment in 2021 in Connection with Impacts of COVID-19 - Operating Expenditure (\$425,000); Net Levy (\$425,000), BE APPROVED;
- g) Case #7 - Corporate Services - Administrative Recoveries from Water, Wastewater and Treatment and Joint Water Boards - Operating Expenditure \$0; Net Levy (\$1,582,000), BE APPROVED;
- h) Case #8 - Other Related Financing - Reduction to Corporate Contingency Budget - Operating Expenditure (\$1,900,000); Net Levy (\$1,900,000), BE APPROVED;
- i) Case #9 - Parks and Recreation - Implementation of Strategic Objectives Related to Growing a Film Sector in London
  - i) the document entitled "London Community Ideas for Film Industry Development", as submitted by Councillors M. van Holst and P. Squire, BE REFERRED to the Civic Administration for consideration;
  - ii) Business Case #9 - Implementation of Strategic Objectives Related to Growing a Film Sector in London BE AMENDED to increase the annual funding allocation to \$300,000; and
  - iii) the above-noted amended Business Case #9 BE FURTHER AMENDED by revising the source of funding to be from the Economic Development Reserve Fund;
- j) Case #10 - Revised Implementation - 60% Waste Diversion Action Plan - Operating Expenditure (\$3,750,000); Net Levy (\$3,750,000), BE APPROVED; and,
- k) Case #4B - City of London Infrastructure Gap, BE AMENDED to have annual contributions as follows:
  - 2021 - 1,000,000
  - 2022 - 1,750,000
  - 2023 - 2,500,000

Motion made by: J. Morgan

That Item 4.1, parts a), b), c), e), f), g), h) and k) being Cases #1, #2, #3, #5, #6, #7, #8 and #4B, BE APPROVED.

- a) Case #1 - RBC Place London - Promissory Note Forgiveness - Operating Expenditure (\$72,000); Net Levy \$0, BE APPROVED;
- b) Case #2 - RBC Place - Revised Capital Plan - Capital Expenditure \$166,000; Net Levy \$0, BE APPROVED;
- c) Case #3 - Recycling and Composting - Repair of Material Recovery Facility Fire Suppressant System - Capital Expenditure \$800,000; Net Levy \$0, BE APPROVED;
- e) Case #5 - Middlesex-London Health Unit - Increased Funding by the Ministry of Health in 2021 - Operating Expenditure (\$610,000); Net Levy (\$610,000), BE APPROVED;
- f) Case #6 - Ontario Works - Reduction in Investment in 2021 in Connection with Impacts of COVID-19 - Operating Expenditure (\$425,000); Net Levy (\$425,000), BE APPROVED;

g) Case #7 - Corporate Services - Administrative Recoveries from Water, Wastewater and Treatment and Joint Water Boards - Operating Expenditure \$0; Net Levy (\$1,582,000), BE APPROVED;

h) Case #8 - Other Related Financing - Reduction to Corporate Contingency Budget - Operating Expenditure (\$1,900,000); Net Levy (\$1,900,000), BE APPROVED;

k) Case #4B - City of London Infrastructure Gap, BE AMENDED to have annual contributions as follows:  
2021 - 1,000,000  
2022 - 1,750,000  
2023 - 2,500,000

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. Pelozo, A. Kayabaga, S. Hillier

Absent: (1): S. Turner

**Motion Passed (14 to 0)**

Motion made by: J. Morgan

That Item 4.1, part d), Case #4 BE APPROVED.

d) Case #4 - Children's Services - Reduction in Required Investment in 2021 due to impacts of COVID-19 - Operating Expenditure (\$1,630,000); Net Levy (\$1,630,000), BE APPROVED;

Yeas: (12): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, E. Pelozo, A. Kayabaga, S. Hillier

Nays: (1): J. Helmer

Recuse: (1): P. Van Meerbergen

Absent: (1): S. Turner

**Motion Passed (12 to 1)**

Motion made by: J. Morgan

That Item 4.1, part i), Case #9 BE APPROVED.

i) Case #9 - Parks and Recreation - Implementation of Strategic Objectives Related to Growing a Film Sector in London

i) the document entitled "London Community Ideas for Film Industry Development", as submitted by Councillors M. van Holst and P. Squire, BE REFERRED to the Civic Administration for consideration;

ii) Business Case #9 - Implementation of Strategic Objectives Related to Growing a Film Sector in London BE AMENDED to increase the annual funding allocation to \$300,000; and

iii) the above-noted amended Business Case #9 BE FURTHER AMENDED by revising the source of funding to be from the Economic Development Reserve Fund;

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

Nays: (1): A. Hopkins

Absent: (1): S. Turner

**Motion Passed (13 to 1)**

At 5:07 PM, Councillor S. Turner enters the meeting.

Motion made by: J. Morgan

That Item 4.1 part j), Case #10, BE APPROVED.

j) Case #10 - Revised Implementation - 60% Waste Diversion Action Plan - Operating Expenditure (\$3,750,000); Net Levy (\$3,750,000), BE APPROVED; and,

Yeas: (15): 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, S. Turner, E. Pelozza, A. Kayabaga, S. Hillier

**Motion Passed (15 to 0)**

Motion made by: M. van Holst

Seconded by: P. Van Meerbergen

That clause 4.1, part j), Case #10, BE AMENDED by adding the following:

"and that staff BE DIRECTED to include mixed waste technologies in both the public engagement and the procurement processes for the 60% waste diversion action plan".

Pursuant to section 11.6 of the Council Procedure By-law, with the permission of Council, the motion was withdrawn at the joint request of the mover and seconder.

4. (4.2) Reserves and Reserve Funds Overview

Motion made by: J. Morgan

That items 4 (4.2), 5 (4.3) and 6 (4.4) BE APPROVED.

Yeas: (15): 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, S. Turner, E. Pelozza, A. Kayabaga, S. Hillier

**Motion Passed (15 to 0)**

Motion made by: J. Morgan

(4.2) Reserve and Reserve Funds Overview

That the Reserves and Reserve Funds Overview BE RECEIVED; it being noted projections are subject to annual review and adjustment.

**Motion Passed**

5. (4.3) Debt Overview

Motion made by: J. Morgan

That the Debt Overview BE RECEIVED for information.

**Motion Passed**

6. (4.4) Reconciliation of the Tabled Budget to Public Sector Accounting Board Budget

Motion made by: J. Morgan

That the reconciliation of the tabled budget to the Public Sector Accounting Board financial statement budget BE RECEIVED for information.

**Motion Passed**

7. (4.5) Operating Budget

Motion made by: J. Morgan

That in accordance with section 291(4)(c) of the Municipal Act, 2001, as amended, the following actions be taken with respect to the operating budget (Appendix A):

a) Middlesex-London Health Unit

i) the revised 2021 budget for Middlesex-London Health Unit BE APPROVED in the gross amount of \$6,095,059 and net amount of \$6,095,059;

ii) the revised 2022 to 2023 budget for Middlesex-London Health Unit BE APPROVED in the gross amount of \$13,409,130 and net amount of \$13,409,130.

b) Golf

i) the revised 2021 budget for Golf BE APPROVED in the gross amount of \$3,695,630 and net amount of \$40,255;

ii) the revised 2022 to 2023 budget for Golf BE APPROVED in the gross amount of \$7,528,799 and net amount of \$132,626.

c) Children's Services

i) the revised 2021 budget for Children's Services BE APPROVED in the gross amount of \$60,972,901 and net amount of \$9,902,857;

ii) the revised 2022 to 2023 budget for Children's Services BE APPROVED in the gross amount of \$123,574,350 and net amount of \$20,073,508.

d) All Other Areas

i) the revised 2021 budget, excluding Middlesex-London Health Unit, Golf, and Children's Services BE APPROVED in the net

amount of \$657,542,662 after recognizing \$8,852,749 of increased taxation from assessment growth; and 2021 gross expenditures equal to \$968,398,612;

ii) the revised 2022 to 2023 budget, excluding Middlesex-London Health Unit, Golf, and Children's Services BE APPROVED in the gross amount of \$2,015,476,425 and net amount of \$1,389,138,809;

e) Total Budget

i) it being noted that the revised total 2021 tax levy is the net amount of \$673,580,833 after recognizing \$8,852,749 of increased taxation from assessment growth; and total 2021 gross expenditures equal to \$1,039,162,202; and,

ii) it being noted that the revised total 2022 to 2023 forecasted tax levy is equal to the gross amount of \$2,159,988,704 and net amount of \$1,422,754,073.

Motion made by: J. Morgan

That Item 4.5, part a), BE APPROVED.

That in accordance with section 291(4)(c) of the Municipal Act, 2001, as amended, the following actions be taken with respect to the operating budget (Appendix A):

a) Middlesex-London Health Unit

i) the revised 2021 budget for Middlesex-London Health Unit BE APPROVED in the gross amount of \$6,095,059 and net amount of \$6,095,059;

ii) the revised 2022 to 2023 budget for Middlesex-London Health Unit BE APPROVED in the gross amount of \$13,409,130 and net amount of \$13,409,130.

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, S. Hillier

Recuse: (1): S. Turner

**Motion Passed (14 to 0)**

Motion made by: J. Morgan

That Item 4.5, part b), BE APPROVED:

b) Golf

i) the revised 2021 budget for Golf BE APPROVED in the gross amount of \$3,695,630 and net amount of \$40,255;

ii) the revised 2022 to 2023 budget for Golf BE APPROVED in the gross amount of \$7,528,799 and net amount of \$132,626.

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, S. Turner, E. Pelozza, S. Hillier

Nays: (1): A. Kayabaga,

Recuse: (1): J. Helmer

**Motion Passed (13 to 1)**

Motion made by: J. Morgan

That Item 4.5, part c), BE APPROVED.

c) Children's Services

i) the revised 2021 budget for Children's Services BE APPROVED in the gross amount of \$60,972,901 and net amount of \$9,902,857;

ii) the revised 2022 to 2023 budget for Children's Services BE APPROVED in the gross amount of \$123,574,350 and net amount of \$20,073,508.

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

Recuse: (1): P. Van Meerbergen

**Motion Passed (14 to 0)**

Motion made by: J. Morgan

That Item 4.5, parts d) and e), BE APPROVED.

d) All Other Areas

i) the revised 2021 budget, excluding Middlesex-London Health Unit, Golf, and Children's Services BE APPROVED in the net amount of \$657,542,662 after recognizing \$8,852,749 of increased taxation from assessment growth; and 2021 gross expenditures equal to \$968,398,612;

ii) the revised 2022 to 2023 budget, excluding Middlesex-London Health Unit, Golf, and Children's Services BE APPROVED in the gross amount of \$2,015,476,425 and net amount of \$1,389,138,809;

e) Total Budget

i) it being noted that the revised total 2021 tax levy is the net amount of \$673,580,833 after recognizing \$8,852,749 of increased taxation from assessment growth; and total 2021 gross expenditures equal to \$1,039,162,202; and,

ii) it being noted that the revised total 2022 to 2023 forecasted tax levy is equal to the gross amount of \$2,159,988,704 and net amount of \$1,422,754,073.

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

Nays: (1): P. Van Meerbergen

**Motion Passed (14 to 1)**

8. (4.6) Capital Budget

Motion made by: J. Morgan

That, in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the capital budget (Appendix B), it being noted the 2021, 2022 and 2023 budget figures reflect the exclusion of the Master Accommodation Plan as approved via the "Master Accommodation Plan Update and Procurement Process" report (SPPC, Nov 17,



2020, Agenda Item 2.1) approved at the Council meeting on November 24, 2020:

a) the amended 2021 capital budget BE READOPTED in the amount of \$228,419,000.

b) the amended 2022 capital budget BE READOPTED in the amount of \$290,668,000.

c) the amended 2023 capital budget BE READOPTED in the amount of \$392,039,000.

d) the amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$1,546,794,000.

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

Nays: (1): P. Van Meerbergen

**Motion Passed (14 to 1)**

9. (4.7) By-laws regarding Tax Levy, Operating and Capital Budgets

Motion made by: J. Morgan

That Items 9 (4.7), 10 (4.8), 11 (4.9), 12(4.10), 13 (5.1) and 14 (5.2) BE APPROVED.

Yeas: (15): 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, S. Turner, E. Pelozza, A. Kayabaga, S. Hillier

**Motion Passed (15 to 0)**

Motion made by: J. Morgan

(4.7) By-law regarding Tax Levy, Operating and Capital Budgets

That the Civic Administration BE DIRECTED to bring forward any necessary by-laws regarding tax levy, the operating and capital budgets for introduction at Municipal Council.

**Motion Passed**

10. (4.8) Water and Wastewater and Treatment Services

Motion made by: J. Morgan

That in accordance with section 291(4)(c) of the *Municipal Act, 2001*, as amended, the following actions be taken with respect to the 2021 to 2023 operating budgets and 2021 to 2023 capital budgets and associated forecasts for Water and Wastewater and Treatment Services:

a) the 2021 to 2023 operating budget for Water Services BE READOPTED in the amount of \$271,713,000;

b) the 2021 to 2023 capital budget for Water Services BE READOPTED in the amount of \$157,289,000;

c) the 2024 to 2029 capital forecast for Water Services BE APPROVED in principle in the amount of \$278,507,000;

it being noted that all rates and charges related to the provision of Water Services were increased by 2.5% effective January 1, 2020, as approved by Council on November 26, 2019, and will be increased 2.5% effective January 1 each year for 2021 to 2023 as approved by Council on October 27, 2020;

d) the 2021 to 2023 operating budget for Wastewater and Treatment Services BE READOPTED in the amount of \$341,149,000;

e) the 2021 to 2023 capital budget for Wastewater and Treatment Services BE READOPTED in the amount of \$280,300,000; and

f) the 2024 to 2029 capital forecast for Wastewater and Treatment Services BE APPROVED in principle in the amount of \$599,818,000;

it being noted that all rates and charges relating to the provision of Wastewater and Treatment Services were increased by 2.5% effective January 1, 2020, as approved by Council on November 26, 2019, and will be increased 2.5% effective January 1, 2021, 2.7% effective July 1, 2021, and 2.5% effective January 1 each year for 2022 and 2023 as approved by Council on October 27, 2020.

**Motion Passed**

11. (4.9) Water and Wastewater and Treatment Reserves and Reserve Funds

Motion made by: J. Morgan

That the following 2020 to 2023 Multi-Year Budget overviews BE RECEIVED for information:

- a) Reserves/Reserve Funds Overview - Water; and,
- b) Reserves/Reserve Funds Overview - Wastewater and Treatment.

**Motion Passed**

12. (4.10) Reconciliation of the Tabled Water Budgets to Public Sector Accounting Board Budget

Motion made by: J. Morgan

That the reconciliation of the tabled budgets to the Public Sector Accounting Board financial statement budget BE RECEIVED for information.

**Motion Passed**

13. (5.1) Additional Budget Submissions

Motion made by: J. Morgan

That the following communications BE RECEIVED with respect to the 2021 Budget update:

a communication dated December 7, 2020 from the Accessibility Advisory Committee;  
a communication dated December 6, 2020 from Shawna Lewkowicz, President, Urban League of London;  
a communication dated December 7, 2020 from Kirk Jarrett, Animal Coordinator and Film Service Provider;  
a communication dated December 7, 2020 from Joan Martin; and  
a communication dated December 8, 2020 from Dan Axford.

**Motion Passed**

14. (5.2) Update Re: London Police Service

Motion made by: J. Morgan

Following up on Municipal Council's resolution on 16 June 2020, The London Police Services Board BE REQUESTED to update Municipal Council on how it has responded and is responding to the issues raised during the Black Lives Matter protest; it being noted that London Police Services Board reduced its multi-year budget request in 2019 by a total of \$1,362,960 over the four year period and supported the deferral of three additional 2020 assessment growth positions to 2021, the funding for which was re-allocated by Municipal Council to homelessness prevention in June 2020.

**Motion Passed**

8.6 3rd Report of the Strategic Priorities and Policy Committee

Motion made by: J. Morgan

That the 3rd Report of the Strategic Priorities and Policy Committee BE APPROVED, excluding Items 3 (2.3), 4 (2.1), 7 (4.1) and 9 (5.1).

Yeas: (15): 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, S. Turner, E. Pelozza, A.. Kayabaga, S. Hillier

**Motion Passed (15 to 0)**

1. Disclosures of Pecuniary Interest

Motion made by: J. Morgan

Councillor S. Turner discloses a pecuniary interest in item 2.1 having to do with the Mandatory Face Coverings By-law Status Update, by indicating that he is an employee of the Middlesex London Health Unit.

**Motion Passed**

2. (2.2) COVID-19 - City of London Services Update (Winter)

Motion made by: J. Morgan

That, on the recommendation of the City Manager, the report dated December 16, 2020 entitled "Covid-19 – City of London Services Update (Winter)", BE RECEIVED for information.

**Motion Passed**

5. (3.1) London Coordinating Committee to End Women Abuse

Motion made by: J. Morgan

That it BE NOTED that the Strategic Priorities and Policy Committee heard a verbal presentation from Megan Walker, Jessie Rodger and Dani Bartlett, Coordinating Committee to End Women Abuse with respect to proposed pillars to creating a safe London for women and girls.

**Motion Passed**

6. (3.2) London and Middlesex Community Housing

Motion made by: J. Morgan

That the following actions be taken with respect to the governance review of London & Middlesex Community Housing (LMCH):

- a) the recommendations of the LMCH Board, as outlined in their presentation and report dated December 16, 2020, BE ENDORSED;
- b) the Civic Administration BE DIRECTED to bring forward the necessary documentation to action the above-noted recommendations at a future meeting of the Shareholder.

**Motion Passed**

8. (4.2) Diversity, Race Relations and Inclusivity Award Nominations

Motion made by: J. Morgan

That the following actions be taken with respect to the 2020 Diversity, Race Relations and Inclusivity Award:

- a) Immploy BE AWARDED the 2020 Diversity, Race Relations and Inclusivity Award, in the Social/Community Services (including Not-for-Profits) (49 or fewer employees/members);
- b) Guru Nanak Mission Society, London, ON BE AWARDED the 2020 Diversity, Race Relations and Inclusivity Award, in the Youth/Young Adult Groups or Organizations (<26 years of age); and,

c) Melanated View (Open Tabs) BE AWARDED the 2020 Diversity, Race Relations and Inclusivity Award, in the Small Business/Labour (49 or fewer employees/members).

**Motion Passed**

3. (2.3) London Community Recovery Network - Immediate Ideas for Action to Support London's COVID-19 Community Recovery

Motion made by: J. Morgan

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

a) the report dated December 16, 2020 from the London Community Recovery Network (appended as Appendix A) with ideas for action to support London's recovery from COVID-19 BE RECEIVED for information;

b) the recommended short term ideas for action to support London's COVID-19 community recovery, as submitted by the London Community Recovery Network (the Network) BE RECEIVED;

c) the Civic Administration BE DIRECTED to determine implementation plans for ideas in Table 2, excluding those included in Table 1, and return to the appropriate standing committee for approval in early 2021, noting that with the report to Strategic Priorities and Policy Committee on September 20, 2020 (2020 Mid-Year Operating Budget Monitoring Report & COVID-19 Financial Impacts), Council authorized \$5 million to be contributed to the Economic Development Reserve Fund to support social and economic recovery measures; and,

d) the report dated December 16, 2020, entitled "London Community Recovery Network - Immediate Ideas for Action to Support London's COVID-19 Community Recovery" BE RECEIVED.

**Amendment:**

Motion made by: J. Helmer

Seconded by: S. Hillier

That Item 2.3 BE AMENDED by adding the following new part e):

"e) the following actions be taken with respect to the Community Improvement Plan loans:

i) the Civic Administration BE AUTHORIZED to take all necessary actions to further extend the deferral of all Community Improvement Plan loan repayments on an interest-free basis, with repayments resuming in October 2021 unless advised otherwise; and,

ii) the Civic Administration BE AUTHORIZED to further extend the deferral period for the loan payments on the interest-free loan to the London Community Players until October 2021; it being noted that the October loan repayments will be cashed as planned, unless advised otherwise;"

Yeas: (15): 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, S. Turner, E. Pelozza, A. Kayabaga, S. Hillier

**Motion Passed (15 to 0)**

Motion made by: J. Morgan

Seconded by: S. Lewis

That Item 2.3, as amended, BE APPROVED.

Yeas: (15): 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, S. Turner, E. Pelozza, A. Kayabaga, S. Hillier

**Motion Passed (15 to 0)**

Item 2.3 as amended, reads as follows:

"That, on the recommendation of the City Manager, the following actions be taken with respect to the London Community Recovery Network:

a) the report dated December 16, 2020 from the London Community Recovery Network (appended as Appendix A) with ideas for action to support London's recovery from COVID-19 BE RECEIVED for information

b) the recommended short term ideas for action to support London's COVID-19 community recovery, as submitted by the London Community Recovery Network (the Network) BE RECEIVED;

c) the Civic Administration BE DIRECTED to determine implementation plans for ideas in Table 2, excluding those included in Table 1, and return to the appropriate standing committee for approval in early 2021, noting that with the report to Strategic Priorities and Policy Committee on September 20, 2020 (2020 Mid-Year Operating Budget Monitoring Report & COVID-19 Financial Impacts), Council authorized \$5 million to be contributed to the Economic Development Reserve Fund to support social and economic recovery measures;

d) the report dated December 16, 2020 entitled "London Community Recovery Network - Immediate Ideas for Action to Support London's COVID-19 Community Recovery", BE RECEIVED; and,

e) the following actions be taken with respect to the Community Improvement Plan loans:

i) the Civic Administration BE AUTHORIZED to take all necessary actions to further extend the deferral of all Community Improvement Plan loan repayments on an interest-free basis, with repayments resuming in October 2021 unless advised otherwise; and,

ii) the Civic Administration BE AUTHORIZED to further extend the deferral period for the loan payments on the interest-free loan to the London Community Players until October 2021; it being noted that the October loan repayments will be cashed as planned, unless advised otherwise.”

4. (2.1) Mandatory Face Coverings By-law Status Update

Motion made by: J. Morgan

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, and with the concurrence of the Medical Officer of Health, Middlesex London, and the City Manager;

a) the staff report dated December 16, 2020 BE RECEIVED for information purposes; and

b) the by-law PH-20 BE RESCINDED at the Municipal Council meeting to be held on January 12, 2021;

it being noted that the Strategic Priorities and Policy Committee received the following communications with respect to this matter:

a communication dated December 13, 2020, and the attached presentation from Andrew Lee;

a communication dated December 13, 2020 from Vaughan Sansom;

a communication dated December 14, 2020 from Sylvia Bennewies; and

a communication dated December 14, 2020 from Kristen Nagle.

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, S. Hillier

Recuse: (1): S. Turner

**Motion Passed (14 to 0)**

7. (4.1) Governance Functional Review - Housing Development Corporation, London (HDC)

Motion made by: J. Morgan

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Dearness Home, the Managing Director, Corporate Services and the City Treasurer, Chief Financial Officer and with the concurrence of the City Manager, that the following actions be taken with respect to the proposed restructuring of the Housing Development Corporation, London (HDC), next steps and timelines:

a) the report dated December 16, 2020 titled “Governance Functional Review – Housing Development Corporation, London (HDC), BE RECEIVED;

b) the Acting Managing Director Housing, Social Services and Dearness Home BE AUTHORIZED to implement recommendations contained in the report noted in a) above;

c) the Civic Administration BE DIRECTED to bring forward the necessary by-laws and documentation to dissolve Housing

Development Corporation, London (HDC) and to integrate the affordable housing portfolio into the Corporation of City of London's Corporate Structure with an implementation timeline of Q2 2021; and,

d) the Civic Administration BE DIRECTED to undertake all other actions required to support the effective implementation c) above, within the timelines set out in the report noted in a) above.

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, S. Hillier

Nays: (1): S. Turner

**Motion Passed (14 to 1)**

9. (5.1) Protocol London Police Services Business Plan Timelines

Motion made by: J. Morgan

That the communication dated November 17, 2020 from Dr. J. Sukhera, Chair, London Police Services Board and S. Williams, Chief of Police, BE RECEIVED and the protocol therein BE APPROVED.

Yeas: (15): 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, S. Turner, E. Pelozza, A. Kayabaga, S. Hillier

**Motion Passed (15 to 0)**

**10. Deferred Matters**

None.

**11. Enquiries**

Councillor A. Hopkins enquired if the Civic Administration could reach out to representatives of Boler Mountain to provide guidance with respect to a safe reopening of Boler Mountain, in accordance with Provincial and Public Health regulations and guidelines, when the Province permits the reopening to occur. The City Manager responded that the Civic Administration would contact Boler Mountain when the Province allows the reopening of the facility.

**12. Emergent Motions**

None.



**13. By-laws**

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

That introduction and First Reading of Bill No.'s 19 to 32, inclusive, and Bill No. 34 BE APPROVED.

Yeas: (15): 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, S. Turner, E. Pelozo, A. Kayabaga, S. Hillier

**Motion Passed (15 to 0)**

Motion made by: S. Hillier  
Seconded by: E. Pelozo

That Second Reading of Bill No.'s 19 to 32, inclusive, and Bill No. 34 BE APPROVED.

Yeas: (15): 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, S. Turner, E. Pelozo, A. Kayabaga, S. Hillier

**Motion Passed (15 to 0)**

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

That Third Reading of Bill No.'s 19 to 32, inclusive, and Bill No. 34 BE APPROVED.

Yeas: (15): 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, S. Turner, E. Pelozo, A. Kayabaga, S. Hillier

**Motion Passed (15 to 0)**

Motion made by: S. Lewis  
Seconded by: S. Hillier

That Introduction and First Reading of Bill No. 33 BE APPROVED.

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

Nays: (1): P. Van Meerbergen,

**Motion Passed (14 to 1)**

Motion made by: E. Pelozza  
Seconded by: S. Hillier

That Second Reading of Bill No 33 BE APPROVED.

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

Nays: (1): P. Van Meerbergen

**Motion Passed (14 to 1)**

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

That Third Reading and Enactment of Bill No. 33 BE APPROVED.

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

Nays: (1): P. Van Meerbergen

**Motion Passed (14 to 1)**

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

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

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

4.1 Land Disposition / Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations  
A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.  
(6.1/1/CSC)

4.2 Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations  
A matter pertaining to advice that is subject to solicitor-client privilege; including communications necessary for that purpose, and for the purpose of providing instructions and directions to officers and employees of the Corporation; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.  
(6.2/1/CSC)

**Motion Passed**

The Council convenes, In Closed Session, from at 5:49 PM, Mayor E. Holder in the Chair and all Members participating..

At 6:06 PM, Councillor M. Salih leaves the meeting.

At 6:07 PM, Council resumes in public session, with Mayor E. Holder in the Chair and all Members participating, except Councillor M. Salih.

## 9. Added Reports

### 9.1 2nd Report of Council in Closed Session

Motion made by: S. Lewis

Seconded by: M. Cassidy

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-owned industrial land located in Innovation Park, Phase III, containing an area of approximately 8.5 acres, subject to survey, located on the south side of Discovery Drive, legally described as Part of Block 2, Plan 33M-627, being Part of PIN 08197-0209 (LT), as outlined on the sketch attached hereto as Appendix "A", the Agreement of Purchase and Sale (the "Agreement"), attached as Appendix "B", submitted by 2747327 Ontario Inc. (the "Purchaser") to purchase 8.5 acres of the subject property from the City, at a purchase price of \$595,000.00, reflecting a sale price of \$70,000.00 per acre BE ACCEPTED, subject to the following conditions:

- a) the Purchaser be allowed ninety (90) days from the date of acceptance of this agreement to examine title, at the Purchaser's own expense;
- b) the Purchaser be allowed ninety (90) days from the date of acceptance of this agreement to carry out soil tests as it might reasonably require;
- c) the Purchaser be allowed ninety (90) days from the date of acceptance of this agreement to conduct environmental inspections and investigations of the property;
- d) the Purchaser satisfying itself, within ninety (90) days from the acceptance of the geotechnical condition of the property;
- e) the Purchaser satisfying itself, within (90) days from the date of acceptance, of the financial feasibility of the intended use;
- f) the City agreeing to prepare and deposit on title, on or before closing, at its expense, a reference plan describing the property;
- g) the City having ninety (90) days from the date of acceptance of this agreement to terminate the existing Farm Lease Agreement with the farm tenant; and
- h) the City having ninety (90) days from the date of acceptance, to obtain approval of the proposed use from Dr. Oetker.

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

Absent: (1): M. Salih

**Motion Passed (14 to 0)**

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

That Introduction and First Reading of Bill No. 18 and Added Bill No. 35  
BE APPROVED.

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

Absent: (1): M. Salih

**Motion Passed (14 to 0)**

Motion made by: S. Hillier  
Seconded by: S. Lewis

That Second Reading of Bill No. 18 and Added Bill No. 35 BE  
APPROVED.

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

Absent: (1): M. Salih

**Motion Passed (14 to 0)**

Motion made by: E. Pelozo  
Seconded by: S. Turner

That Third Reading and Enactment of Bill No.18 and Added Bill No. 35 BE  
APPROVED.

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

Absent: (1): M. Salih

**Motion Passed (14 to 0)**

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

Bill	By-law
Bill No. 18	By-law No. A.-8046-14 – A by-law to confirm the proceedings of the Council Meeting held on the 12th day of January 2021. (City Clerk)
Bill No. 19	By-law No. A.-8047-15 – A by-law to approve an Amending Agreement between the Bank of Nova Scotia and The Corporation of the City of London. (2.2/1/CSC)
Bill No. 20	By-law No. A.-8048-16 – A by-law to authorize and approve Purchase and Sale Agreements between The Corporation of the City of London (the “City”) and Drewlo Holdings Inc., to sell to the City Blocks 131, 135, 137, 138 and 147 in Registered Plan 33M-757, and to authorize the, Mayor and the City Clerk to execute the Agreements. (2.7d/2/CPSC)
Bill No. 21	By-law No. S.-6090-17 – A by-law to assume certain works and services in the City of London. (Jubilee Subdivision; Plan 33M-723) (City Engineer)
Bill No. 22	By-law No. S.-6091-18 – A by-law to assume certain works and services in the City of London. (Powell Farms Phase 4; Plan 33M-724) (City Engineer)
Bill No. 23	By-law No. S.-6092-19 – A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (for unobstructed legal access throughout their respective abutting Subdivisions) (Chief Surveyor)
Bill No. 24	By-law No. S.-6093-20 – A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as widening to Windermere Road, east of Richmond Street). (Chief Surveyor – for road widening purposes on Windermere Road registered as Instrument No. ER1327375, pursuant to Site Plan SPA19-098 and in accordance with Zoning By-law Z.-1)
Bill No. 25	By-law No. S.-6094-21 – A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as widening to Riverside Drive, between Hyde Park Road and Hazel Avenue) (Chief Surveyor - for road widening purposes on Riverside Drive registered as Instrument No's. ER1325276 and ER1325277, pursuant to Site Plan SPA19-087 and Consent B.039/19 and in accordance with Zoning By-law Z.-1)

Bill No. 26	By-law No. S.-6095-22 – A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as widening to Fanshawe Park Road West, west of Richmond Street; and as widening to Richmond Street, north of Fanshawe Park Road West) (Chief Surveyor - for road widening purposes on Richmond Street and Fanshawe Park Road West registered as Instrument No. ER1318362, pursuant to Site Plan SPA20-036 in accordance with Zoning By-law Z.-1)
Bill No. 27	By-law No. S.-6096-23 – A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as widening to Aldersbrook Gate, north of Fanshawe Park Road West) (Chief Surveyor - for road widening purposes on Aldersbrook Gate, registered as Instrument No. ER1325503, pursuant to Consent B.053/19 and in accordance with Zoning By-law Z.-1)
Bill No. 28	By-law No. S.-6097-24 – A by-law to permit J. A. Miles and M. J. Miles to maintain and use a boulevard parking area upon the road allowance for 419 William Street, City of London. (City Clerk)
Bill No. 29	By-law No. Z.-1-212897 – A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 3087 White Oak Road. (2.3/1/PEC)
Bill No. 30	By-law No. Z.-1-212898 – A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for a portion of the lands located at 1093 Westdel Bourne. (2.4/1/PEC)
Bill No. 31	By-law No. Z.-1-212899 – A by-law to amend By-law No. Z.-1 to rezone an area of land located at 260 Sarnia Road. (3.2/1/PEC)
Bill No. 32	By-law No. Z.-1-212900 – A by-law to amend By-law No. Z.-1 to rezone an area of land located at 660 Sunningdale Road East. (3.3/1/PEC)
Bill No. 33	By-law No. A.-8049-25 – A by-law respecting the 2020 – 2023 Multi-Year Tax Supported Operating and Capital Budget for The Corporation of the City of London. (4.7/2/SPPC)
Bill No. 34	By-law No. A.-8050-26 – A by-law to repeal By-law No. PH-20 being “A by-law to temporarily require the use of face coverings within enclosed publicly-accessible spaces in the City of London” (2.1/2/SPPC)

Bill No. 35	(ADDED) By-law No. A.-8051-27 – A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and 2747327 Ontario Inc., for the purchase of City owned industrial land, located on the south side of Discovery Drive, legally described as being Part of Block 2, Plan 33M-627, being Part of PIN 08197-0209 (LT), containing approximately 8.5 acres (subject to final survey), and to authorize the Mayor and the City Clerk to execute the Agreement. (6.1/1/CSC)
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**14. Adjournment**

Motion made by: P. Van Meerbergen

Seconded by: A. Hopkins

That the meeting BE ADJOURNED.

**Motion Passed**

The meeting adjourns at 6:16 PM.

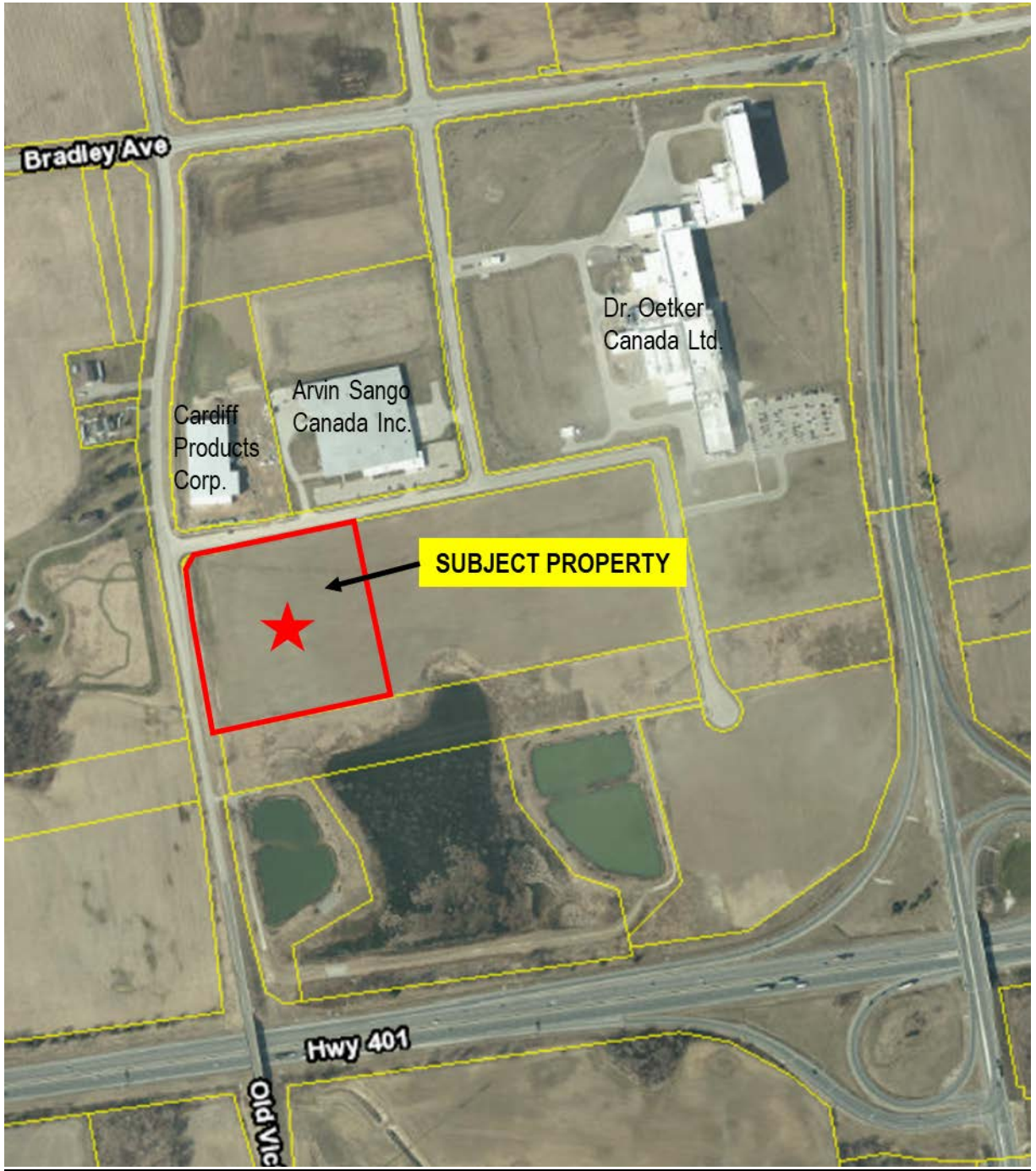
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Ed Holder, Mayor

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Catharine Saunders, City Clerk

**Appendix A – Aerial and Location Map of Subject Property**





**APPENDIX "A" Cont'd**

**PART OF BLOCK 2 ON 33M-627**



**Parcel A being sold and is subject to Final Survey  
Note: Parcel B shown is not included in this sale.**

# Appendix B – Agreement of Purchase and Sale

AGREEMENT OF PURCHASE AND SALE  
CORPORATION OF THE CITY OF LONDON

PAGE 1

## CLASS 1 SALE

THIS INDENTURE dated the 27 day of November, 2020.

BETWEEN:

### THE CORPORATION OF THE CITY OF LONDON

hereinafter called the VENDOR

- and -

2747327 ONTARIO INC

Address: 341 Talbot Street London, ON N6A 2R5

hereinafter called the PURCHASER

1. The Purchaser, having inspected the lands and premises hereinafter described, hereby offers to purchase from the Vendor the lands and premises situated in Innovation Park, Phase III, in the City of London, in the County of Middlesex, containing 8.5 acres, more or less subject to survey, located on the south side of Discovery Drive, and being legally described as being PART OF BLOCK 2 IN PLAN 33M-627, LOCATED IN THE CITY OF LONDON, COUNTY OF MIDDLESEX BEING PART OF PIN 08197-0209 (LT) which is labelled as Parcel A and highlighted in red as Schedule "C" attached hereto, for the price of approximately

Five Hundred and Ninety Five Thousand Dollars (\$ 595,000.00)  
of lawful money of Canada calculated at the rate of

Seventy Thousand Dollars (\$ 70,000.00)  
per acre, with normal municipal services available in the road allowance.

The Purchaser submits

Fifty Nine Thousand and Five Hundred Dollars (\$ 59,500.00)  
cash (or bank draft or certified cheque) payable to the City Treasurer, City of London, as deposit to be held by the Vendor pending completion or other termination of the agreement arising from the acceptance of this Agreement and to be credited towards the purchase price on completion, and the balance of the purchase price to be paid on the date of completion.

2. Provided the title to the property is good and free from all encumbrances, except as otherwise expressly provided herein, and except as to any registered easements, restrictions or covenants that run with the land, or municipal by-laws, or other governmental enactments, providing that such are complied with.
3. The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title except as may be in the possession or control of the Vendor, unless otherwise provided herein.
4. The Purchaser is to be allowed 90 days from the date of acceptance of this Agreement to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor which the Vendor is unable or unwilling to remove, remedy or satisfy and which the Purchaser will not waive, this Agreement, notwithstanding any intermediate acts or negotiations in respect of such objection shall be at an end, and all monies theretofore paid shall be returned to the Purchaser without interest or deduction, and the Vendor shall not be liable for any costs or damages. Except as to any valid objection so made within such time, and except for any objection going to the root of the title, the Purchaser shall be conclusively deemed to have accepted the Vendor's title to the property.
5. The Purchaser is to be allowed 90 days from the date of acceptance of this Agreement to carry out soil tests as it might reasonably require. Any such testing shall first be approved by the City Engineer and shall be at the sole risk and expense of the Purchaser. If such tests are carried out, the Purchaser agrees to restore the property to its original condition. If the property is not so restored, the vendor may carry out required restoration and without limiting the rights of the Vendor, the cost thereof may be recovered from the deposit. If, within that time, any valid objection to soil conditions is made in writing to the Vendor, which the Vendor is unable or unwilling to remove, remedy or satisfy, and which the Purchaser will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objection, shall be at an end and all monies theretofore paid shall be repaid or returned to the Purchaser without interest or deduction and the Vendor shall not be liable for any costs or damages. Except as to any valid objection so made within such time, the Purchaser shall be conclusively deemed to have accepted the soil conditions

6. The transaction of purchase and sale to be completed within 120 days from the acceptance of this Agreement. Vacant possession of the property shall be given to the Purchaser on the date of completion, unless otherwise provided herein.

7. This Agreement, when accepted, shall constitute a binding contract of purchase and sale between the Purchaser and Vendor and time shall, in all respects, be of the essence thereof, provided that the time for the doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing, signed by the Vendor and the Purchaser or by their respective solicitors who are hereby expressly appointed in this regard. It is agreed that there is no condition, expressed or implied, representation, warranty, or collateral agreement affecting this Agreement or the property or supported hereby, except as expressed herein in writing.

8. The Deed or transfer shall be prepared in registerable form at the expense of the Vendor by its solicitor. Each party shall pay the cost of registration and taxes on his own documents.

9. Planning Act: This Agreement shall be effective to create an interest in the property only if the subdivision control provisions of the Planning Act are complied with.

10. Provided that, notwithstanding any terms or conditions outlined in the printed wording herein, any provisions written into the Agreement at the time of the signing of the Agreement by the Purchaser shall be the true terms and shall supersede the printed portion in respect of the parts affected thereby. This Agreement and its acceptance shall be read with all changes of gender or number required by the context and shall be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns, as the case may be.

11. As a condition of this Agreement, the Purchaser hereby agrees to submit a declaration of intent which outlines the proposed uses of the property. This declaration is attached hereto as Schedule "A" and forms part of the Agreement.

12. As a condition of this Agreement, the Purchaser hereby agrees to be bound by the Policy of The Corporation of the City of London with respect to the sale and/or transfer of City-owned, serviced, industrial land, which Policy is attached hereto as Schedule "B" to this Agreement, it being the intent of the parties hereto that the provisions of the said "Policy" shall survive the closing of this transaction to such extent as may be required to give effect to the said Policy. As a further condition of this Agreement, the Purchaser agrees to accept a Deed with respect to the land herein described in a form sufficient to give effect to the said Policy.

13. Any tender of documents or money desired hereunder may be made upon the solicitor acting for the Vendor or Purchaser, and it shall be sufficient that a Bank Draft or Certified Cheque may be tendered instead of cash.

14. Schedules A, B, C, D attached hereto form part of this Agreement.

15. This Agreement shall be irrevocable and open for acceptance until 11:59 p.m. (local time) on January 20<sup>th</sup>, 2021 after which time, if not accepted, this Agreement shall be null and void and the deposit shall be repaid to the Purchaser without interest or deduction.

IN WITNESS WHEREOF the Purchaser, if a person, has hereunto set his hand and seal or, if a corporation, has hereunto affixed its Corporate Seal duly attested to by its proper signing Officers this 27<sup>th</sup> day of November, 2020.

SIGNED, SEALED & DELIVERED

in the presence of

  
Witness

) 2747327 ONTARIO INC

) Purchaser

)

)


)

)

)

)

) I have authority to bind the Corporation

  
Signature of Signing Officer

) Name: Ben Huijenbos

) Title: CEO

**ACCEPTANCE**

The Vendor accepts the above Agreement.

**THE CORPORATION OF THE CITY OF LONDON**

\_\_\_\_\_  
Ed Holder, Mayor

\_\_\_\_\_  
Catharine Saunders, City Clerk

NOTE: Schedule "A" attached - "Purchaser's Declaration of Intent"  
Schedule "B" attached - "City-owned Serviced Land Sale Policy"  
Schedule "C" attached - "Property in Red"  
Schedule "D" attached - "Additional Terms and Conditions"

SCHEDULE "A"

PURCHASER'S DECLARATION OF INTENT TO DEVELOP AND PROPERLY UTILIZE THE  
PROPERTY, WHICH DECLARATION FORMS PART OF THE AGREEMENT OF PURCHASE AND  
SALE

The Purchaser hereby declares, and it is understood and agreed between both parties, that the property will be used for the following purposes; and the Purchaser undertakes to take all reasonable steps to fulfil these commitments; which undertaking shall survive and not merge in the closing of the transaction.

INFORMATION REQUIRED FROM PURCHASER BEFORE AGREEMENT SUBMITTED FOR  
APPROVAL

Industrial Park Name & Phase & Section:	Innovation Park, Phase III, Part of Block 2.
Lot & Conc./Part No./Block, etc.; Acres:	Part of Block 2 on Plan 33M-627; 8.5 acres
Name, Address, Postal Code of Purchaser:	2747327 ONTARIO INC 341 Talbot Street London, ON N6A 2R5
Local Company: Yes <b>No</b>	
Intended Use of Building - (Describe):	Robotic Manufacturing, Machine Build, and Assembly for Automotive Industries.
Major Industrial Classification of User:	Advanced Manufacturing and Robotic Assembly for Automotive
List of Products Manufactured/Handled:	Weld Cells, Laser Cells, Vision Inspection Technology
Number of Employees Anticipated:	85+
Number of Square Feet of Building Proposed:	57,000 square feet
Number of Square Feet in Property Purchase:	370,260 square feet
Proposed Building Coverage as % of Lot Area:	15.39 percent (15.39 %)
Mandatory Building Coverage Starting 1st Year:	15 percent (15%)
Future Building(s) Proposed (if any) Details: Proposed Building Material for this Project:	TBD
Development of the Lot will be subject to:	Site Plan & Architectural Control
Proposed Commencement Date of Construction:	One Year from Date of Deed
Mandatory Commencement Date of Construction:	One Year from Date of Deed
Purchaser's Lawyer - Name, and Address: Telephone:	<i>Susan Carville 7-717 Richmond St. London On</i> <i>519-472-0632 x222 N6A 1S2</i>
Purchaser's Executive Completing this Form: Ben Huigenbos CEO 2747327 ONTARIO INC	 (signature) I have authority to bind the Corporation

\_\_\_\_\_  
Ed Holder, Mayor

\_\_\_\_\_  
Catharine Saunders, City Clerk

**SCHEDULE "B"**

**Excerpt from By-law No. A-6151-17, Schedule A, Attachment A entitled "Disposal of Industrial Land Procedures"**

Disposal of Industrial Land Procedures

1. The purpose of this policy is to establish the terms upon which City-owned serviced industrial land is to be sold and transferred.
2. This policy is to be read and applied fairly and beneficially with such variations as circumstances or the nature of the subject matter require provided the general purpose, intent, meaning and spirit of the policy are maintained.
3. In this policy,
  - (a) Commencement of construction means the date upon which a building permit is issued by the City;
  - (b) Completion of construction is reached when the building or structure or a substantial part thereof is ready for use or is being used for the purpose intended, and;
  - (c) Coverage has the meaning ascribed to it under the applicable zoning by-law.

CLASS 1 SALE

4. A class 1 sale is a sale of a land for the purpose of the construction thereon of a building or structure for a detached industrial use.
5. A class 1 sale shall be subject to the following conditions:
  - (a) The purchaser shall commence construction within one year of the registration of the deed or transfer and shall diligently complete construction of the building or structure, in default of which the purchaser shall in the sole discretion of the City reconvey the land to the City in accordance with Section 18 of this policy and free and clear of all encumbrances, easements, restrictions or covenants except as to those originally assumed by the purchaser from the City.
  - (b) The minimum coverage of the building or structure shall be 15 per cent, provided however that, where the maximum coverage permitted under the applicable zoning by-law is 15 percent or less, the maximum coverage under the zoning by-law shall be deemed to be the minimum coverage required by this condition.
  - (c) The purchaser shall not within 10 years of the registration of the deed or transfer convey any vacant part of the land by deed, transfer, grant, assignment, appointment, mortgage, charge, lease or sub-lease (Planning Act, R.S.O. 1990, Chapter P .13), without first notifying the City and, where it has been so notified, the City may either grant its consent (which shall not be unreasonably withheld) to the conveyance or application or may in its sole discretion require the purchaser to reconvey the vacant part to the City in accordance with Section 18 of this policy and free and clear of all encumbrances, easements, restrictions or covenants except as to those originally assumed by the purchaser from the City.
  - (d) The purchaser shall pay local improvement charges and any other special levies assessed at any time against the land on and after completion of the purchase.
6. The Manager of Realty Services may grant one or more extensions (which in total shall not exceed two years) of the time set out in paragraph 5 (a) of Section 5 of this policy within which construction of a building or structure is to be commenced provided the purchaser has filed a written request with the Manager of Realty Services for the extension.
7. A purchaser wishing to notify the City under condition 5 (c) of this policy shall file a written request with the Manager of Realty Services who shall submit a recommendation thereon to Council through the Corporate Services Committee.

CLASS 2 SALE

8. A class 2 sale is a sale of a land for the purpose of the extension or enlargement of a building or structure erected or to be erected upon land of the purchaser abutting the land.
9. A class 2 sale shall be subject to conditions (c) and (d) of Section 5 of this policy and the further condition that the land shall not be used for any purpose other than the extension or enlargement of a building or structure erected or to be erected upon lands of the purchaser abutting the land.

CLASS 3 SALE

10. A class 3 sale is a sale that is not a class 1 or class 2 sale and that is a sale of a land for the purpose of a use ancillary to a building or structure erected or to be erected upon land of the purchaser abutting the parcel.
11. A class 3 sale shall be subject to conditions (c) and (d) of Section 5 of this policy and the further condition that the land shall not be used for any purpose other than a use ancillary to a building or structure erected or to be erected upon land of the purchaser abutting the parcel.

GENERAL

12. At least annually, the Manager of Realty Services shall review the pricing of industrial land and if a change in pricing is recommended, shall make a recommendation to Board of Control as to the price per acre at which land should be offered for sale during the ensuing year.
13. Pending receipt of an offer to purchase from a prospective purchaser, land may be reserved for a period of 30 days, provided however that, if during the reserve period the City receives an offer to purchase the same land in accordance with this policy from another prospective purchaser, the first prospective purchaser shall be allowed 5 days after notification within which to submit an offer to purchase at the same price and on the same terms; otherwise the City shall be at liberty to accept the second offer to purchase.
14. A prospective purchaser shall complete and execute an offer to purchase in the form provided by the City accompanied by a deposit payable to the City Treasurer by cash or certified cheque equal to 10 per cent of the total purchase price, and the balance shall be payable subject to usual adjustments upon completion of the transaction.
15. The Manager of Realty Services may submit an offer to purchase for acceptance by the City.
16. The transaction shall be completed within 120 days of the passing of the by-law accepting the offer to purchase or within such further period as may be agreed to between the City Solicitor and the purchaser's solicitor in the best interests of the City.
17. Where, in the City's opinion, land is properly sold through a real estate agent, the City shall pay a fee to the agent not exceeding the scale established by the City upon completion of the transaction but no fee shall be payable if the purchaser is permitted to withdraw from the agreement of purchase and sale prior to the completion of the transaction.
18. Where the whole or any part of land is reconveyed by the purchaser to the City pursuant to a condition of sale or otherwise, the amount payable upon the reconveyance shall be 90 per cent of either the original purchase price (exclusive of interest thereon), if the whole land is reconveyed, or the portion thereof that is in the same ratio as the area of the reconveyed part is to the whole land, subject to adjustments as of the date of reconveyance for taxes, local improvements and other rates and subject, where the City considers necessary, to the City's withholding until a new purchaser is found, an amount sufficient to compensate the City for the cost of restoring the land to its original condition if so required by the new purchaser.
19. The development of the property will be subject to the requirements of the Architectural Control Guidelines as published by the City of London from time to time and the purchaser acknowledges the contents thereof and agrees to conform to those Guidelines.
20. The cost of service connections from the main to the property line is the responsibility of the purchaser.
21. The purchaser accepts the current condition of the site and the cost of removal of topsoil from the site if required is the responsibility of the purchaser.

**SCHEDULE "C"**  
**SUBJECT LANDS**  
**PART OF BLOCK 2 ON 33M-627**



Subject to Final Survey.



## SCHEDULE "D"

### Additional Terms and Conditions

#### HEADINGS

The headings in this agreement are for convenience of reference only and shall not define or limit the provisions of the agreement.

#### Paramourncy of Schedule "D"

The provisions of this Schedule "D" are in addition to and not in substitution for the standard provisions contained in the body of the Agreement of Purchase and Sale and in Schedule "B" thereto, provided that if the provisions of this Schedule "D" conflict or are inconsistent in any respect with such standard provisions, By-Law No. A-6151-17 or any policy of The Corporation of the City of London, the provisions of this Schedule "D" shall prevail and the aforesaid By-Laws and Policies shall be read with the corresponding amendments. Unless the context otherwise requires, the term "this Agreement" as used in the Agreement of Purchase and Sale and Schedules thereto shall mean the said Agreement of Purchase and Sale and all Schedules thereto.

#### Assignment of Agreement

At any time prior to closing the Purchaser may assign this Agreement to an affiliated corporation of the Purchaser, pursuant to the Ontario or Canada Business Corporations Act, and upon delivery to the Vendor of a notice of such assignment and a covenant by the assignee in favour of the Vendor pursuant to which the assignee agrees to assume all covenants and agreements to be kept, observed and performed by the Purchaser pursuant to this Agreement, the assignee shall be entitled to and bound by, and the Purchaser shall cease to be entitled to and shall be released from, all of the benefits and obligations of the Purchaser pursuant to this Agreement.

#### Sewage Sampling Manholes

The Purchaser is notified that inspection manholes, built to City of London standards, may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-laws and standards, as amended, which regulates the discharge of sanitary and storm sewage into public sewage systems. If required, the storm and/or sanitary inspection manholes are to be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.

#### Municipal Services and Roadway Easements

Subject to the Purchaser's right of review of the Vendor's easement requirements during the "due diligence" period, following the closing of this transaction, the Purchaser will grant to the Vendor, for nominal consideration, servicing easements as may be required, and will be mutually acceptable to both parties. This condition shall survive and not merge on the completion of this transaction.

#### Development Agreement

The Purchaser acknowledges that prior to the issuance of a Development Agreement, the Purchaser shall be subject to site plan and permitting process which may include but not be limited to an approval for the location of an entrance to the site, urban design, granting municipal easements and working easements, satisfying servicing requirements, obtaining approvals and satisfying requirements by Upper Thames Conservation Authority, (UTRCA), MECP (Ministry of Environment, Conservation, and Parks), Ministry of Transportation (MTO), Hydro One Networks Inc. and any other approvals deemed necessary by the City.

#### Purchaser Condition – Environmental

This offer is conditional upon the Purchaser, at the Purchaser's expense, conducting any environmental inspections and investigations of the property as it may reasonably require, to be completed no later than ninety (90) days from the date of acceptance of this Agreement. If, within that time, any valid objection to environmental conditions is made in writing to the Vendor, which the Vendor is unable or unwilling to remove, remedy or satisfy, and which the Purchaser will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objection, shall be at an end and all monies theretofore paid shall be repaid or returned to the Purchaser without interest or deduction and the Vendor shall not be liable for any costs or damages. Except as to any valid objection so made within such time, the Purchaser shall be conclusively deemed to have accepted the environmental conditions.

#### Purchaser Condition – Geotechnical Review

This offer is conditional upon the Purchaser, at the Purchaser's expense, conducting any geotechnical inspections of the property as it may reasonably require, to be completed no later than ninety (90) days from the date of acceptance of this Agreement. If, within that time, any valid objection to the geotechnical

conditions is made in writing to the Vendor, which the Vendor is unable or unwilling to remove, remedy or satisfy, and which the Purchaser will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objection, shall be at an end and all monies theretofore paid shall be repaid or returned to the Purchaser without interest or deduction and the Vendor shall not be liable for any costs or damages. Except as to any valid objection so made within such time, the Purchaser shall be conclusively deemed to have accepted the geotechnical conditions.

Testing After Acceptance

From and after the date of Vendor's Acceptance of this Agreement, and in accordance with Paragraph 5 of the Agreement of Purchase and Sale, the Vendor shall permit the Purchaser and its authorized representatives and consultants reasonable access to the property for the purpose of making soil, ground water, environmental or other tests, measurements or surveys in, on or below the property, provided that the Purchaser shall do so at its own expense and its own risk. No action taken by the Purchaser hereunder shall constitute a trespass or taking of possession.

Notwithstanding the above, the Purchaser and its authorized representatives and consultants agree to undertake best efforts to minimize crop damage resulting from accessing the lands to complete testing as it relates to paragraph 5 and Purchaser's conditions for Environmental and Geotechnical Review provided above.

Purchaser Condition – Feasibility of Intended Use

This offer is conditional upon the Buyer, at the Buyer's expense, determining the financial feasibility of the Buyer's intended use for the property satisfactory to the Buyer in the Buyer's sole and absolute discretion. Unless the Buyer gives notice in writing delivered to the City personally or in accordance with any other provision for the delivery of notice in this Agreement of Purchase and Sale or any Schedule thereto no later than ninety (90) days from the date that this offer is accepted that this condition is fulfilled this offer shall be null and void and the deposit shall be returned to the Buyer in full without deduction. This condition is included for the benefit of the Buyer and may be waived at the Buyer's sole option by notice in writing to the City as aforesaid within the time period stated herein.

Restrictive Covenant

The Purchaser acknowledges that the Property is subject to a restrictive covenant which limits the types of uses that can be established on the Property, and further acknowledges that this restrictive covenant is for the benefit of Dr. Oetker. This offer is conditional on the Vendor obtaining approval of the Purchaser's proposed use from Dr. Oetker within 90 days of the acceptance of this Agreement. If such approval has not been obtained within the time allowed herein then this Agreement, notwithstanding any intermediate acts or negotiation in respect of such approval, shall be at an end and all monies theretofore paid shall be refunded to the Purchaser without interest or deduction and the Vendor shall not be liable to the Purchaser for any costs or damages. The Purchaser agrees to provide the Vendor with any information concerning their proposed operation as may be reasonable necessary to permit the Vendor to satisfy this condition.

Vendor Pre-Closing Condition - Termination of Farm Lease

This Agreement is conditional upon the Vendor being able to terminate the existing Farm Lease on the Property. The Vendor shall have ninety (90) days from the date of acceptance of this Agreement to terminate the existing Farm Lease with the Farm Tenant. If, within that time, the Vendor has not given notice in writing to the Purchaser that this condition has been satisfied or waived, then this condition shall be deemed not to have been satisfied or waived, in which event this Agreement shall be null and void and of no further force or effect whatsoever and each party shall be released from all of its liabilities and obligations under this Agreement and the deposit shall be returned to the Purchaser forthwith, without interest or deduction except as otherwise provided for herein. This condition is included for the benefit of the Vendor and may be waived at the Vendor's sole option by notice in writing to the Purchaser as aforesaid within the time period stated herein.

Reference Plan

The Vendor agrees to prepare and deposit on title, on or before closing and at its expense, a reference plan describing the Property.

Purchase Price Adjustments

The purchase price payable by the Purchaser to the Vendor for the Property is calculated at 8.5 acres multiplied by \$70,000 per acre. If the actual size of the Property is difference than set out above at time of closing, then the Purchase Price for the Property shall be adjusted to reflect a price equal to the area of the Property multiplied by \$70,000 per acre.

The Purchaser acknowledges and agrees to retain the existing swale (the "Drainage Swale"), located in the vicinity of the southerly property line, for the purposes of maintaining adequate drainage from the easterly lands shown as Parcel B in Schedule "C". No development or alterations are permitted for the Drainage Swale by the Purchaser. This condition shall survive and not merge on the completion of this transaction.

Hydro One Easement

The Purchaser agrees to an existing easement benefitting Hydro One Networks Inc. (formerly Hydro Electric Power Commission of Ontario & Ontario Hydro) (the "Hydro One Easement") over a portion of lands described as Part 4 and Part 5 in 33R-17915 which is registered on title as instruments WU47079 and WU47080. This condition shall survive and not merge on the completion of this transaction.

Access Right of Way Easement

The Purchaser agrees to a Right-of-Way access registered across the Hydro One transmission corridor lands which is shown as Part 5 in 33R-17915 and registered on title in Ins. 154999. This condition shall survive and not merge on the completion of this transaction.

Survival of Conditions

The obligations of the Purchaser contained in schedule "D" shall survive and not merge on the completion of this transaction.

ADDITIONAL SCHEDULE WITH SPECIAL PROVISIONS AND URBAN DESIGN GUIDELINES

Special Provisions of Innovation Park Subdivision Agreement

1. The Municipality and the Purchaser acknowledge and agree that the Municipality shall not be deemed as making any representation or warranties to the Purchaser with respect to the site conditions of the Property.
2. The Purchaser shall be solely responsible for carrying out all appropriate site investigations and ensuring that the Property and the Development on the Property are in compliance with the City's Urban Design Guidelines, and all applicable building and environmental regulations including, without limitation, the following which are attached hereto and form part of this agreement:
  - a. the Purchaser acknowledges that the Property may have been rough-graded and filled by the Municipality;
  - b. the Purchaser accepts that there may be significant variations in bearing capacity on and throughout the Property;
  - c. the Purchaser shall be solely responsible for carrying out any necessary soils investigations of the Property to determine its load-bearing capacity and suitability for any subsequent development on the Property;
  - d. the Purchaser shall be solely responsible for determining that the Property and any proposed subsequent development on the Property will comply with all applicable building and environmental regulations; and
  - e. that the foregoing representations, as to suitability and to possible variations in soil bearing capacity, shall not be modified or varied in any manner whatsoever as a result of any oral or written communication to the Purchaser by the Municipality, its contractors, consultants, or other servants and agents. The provision of any information to the Purchaser by the Municipality, its consultants or contractors, is as a courtesy alone and in no way relieves the Purchaser of its obligation to secure adequate soils testing for its proposed Development.
3. It is agreed by the Purchaser that the Purchaser's Development of the Property will be as specified in Schedule "A" to this Agreement of Purchase and Sale, and more particularly in the Site Development Proposal which forms part of the Agreement of Purchase and Sale. Any changes to the proposed development outside of Schedule "A" must first be approved by the Municipality acting reasonably.
4. The Purchaser must adhere to the recommendations of the geotechnical engineer, and shall deliver a certificate of a geotechnical engineer to the City's Director of Building Control upon completion of the foundation on the lot that the building construction was completed in accordance with the Owner's geotechnical engineer's recommendations.

5. The Purchaser acknowledges that it may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.

Urban Design Guidelines for Innovation Park

A copy of "Airport Road South Business Park Urban Design Guidelines" dated June 2004, will be provided to the purchaser under separate cover.