



Council Minutes

13th Meeting of City Council
October 5, 2021, 4:00 PM

Present: 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. Peloza, S. Hillier

Absent: M. Salih, A. Kayabaga

Also Present: M. Ribera, M. Schulthess, B. Westlake-Power
Remote Attendance: L. Livingstone, A. Barbon, G. Barrett, B. Card, C. Cooper, J. Davison, K. Dickins, K. Murray, K. Scherr, C. Smith, P. Yeoman

The meeting is called to order at 4:02 PM; it being noted that the following were in remote attendance: Councillors M. van Holst, J. Helmer, M. Cassidy, A. Hopkins, P. Van Meerbergen, E. Peloza and S. Hillier.

1. Disclosures of Pecuniary Interest

Councillor P. Squire discloses a pecuniary interest Item 6, clause 3.3 of the 13th Report of the Planning and Environment Committee, having to do with the application for 755-785 Wonderland Road South (Westmount Mall) (Z-9356), by indicating that he is a tenant in the subject building.

2. Recognitions

None.

3. Review of Confidential Matters to be Considered in Public

None.

Motion made by: P. Van Meerbergen

Seconded by: S. Lewis

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

Yeas: (12): 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, and E. Peloza

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

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

Motion made by: J. Helmer

Seconded by: M. Cassidy

That the Minutes of the 12th Meeting, held on September 14, 2021, BE APPROVED.

Yeas: (12): 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, and E. Pelozá

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

6. Communications and Petitions

Motion made by: S. Lewis

Seconded by: A. Hopkins

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

6.1 755 - 785 Wonderland Road (Westmount Mall) - refer to Item 6(3.3) of the 13th Report of the Planning and Environment Committee;

6.2 Argyle Core Area Community Improvement Plan - refer to Item 8(3.5) of the 13th Report of the Planning and Environment Committee;

6.3 2631 Hyde Park Road and 1521 Sunningdale Road West - refer to Item 5(4.1) of the 14th Report of the Planning and Environment Committee;

6.4 Property Standards Matters - refer to Item 11(2.4) of the 13th Report of the Community and Protective Services Committee; and,

6.5 Consideration of Appointment to the London Transit Commission - refer to Item 3(4.1) of the 13th Report of the Strategic Priorities and Policy Committee.

Yeas: (12): 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, and E. Pelozá

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

7. Motions of Which Notice is Given

None.

8. Reports

8.1 12th Report of the Civic Works Committee

Motion made by: E. Pelozá

That the 12th Report of the Civic Works Committee BE APPROVED.

Yeas: (12): 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, and E. Pelozá

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: E. Pelozá

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) Kensington Bridge - Environmental Assessment - Appointment of Consulting Engineer

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated September 21, 2021, related to an appointment of a Consulting Engineer to complete the Kensington Bridge Environmental Assessment Study:

- a) AECOM Canada Ltd. BE APPOINTED as the Consulting Engineer to complete the Environmental Assessment of the Kensington Bridge Renewal Project at an upset amount of \$252,880.00, excluding HST, in accordance Section 15.2 (e) of the City of London Procurement of Goods and Services Policy;
- b) the financing for this assignment BE APPROVED as set out in the Sources of Financing Report as appended to above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this assignment;
- d) the approvals given herein BE CONDITIONAL upon the Corporation entering into a formal contract with the consultant for the work; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents including agreements, if required, to give effect to these recommendations. (2021-E21/E05)

Motion Passed

3. (2.2) Municipal Waste and Resource Materials Collection By-law Amendment (Relates to Bill No. 476)

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the draft amending by-law as appended to the staff report dated September 21, 2021, BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021, to amend the Municipal Waste and Resource Collection By-law (WM-12) to establish additional packaging requirements for curbside collection of ceramic toilets to enhance health and safety of the sanitation operators and the public. (2021-E07)

Motion Passed

4. (2.4) Increase Contract Award: West London Dyke Norman Bradford (Oxford Street) Bridge Concrete Repairs

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated September 21, 2021, related to

increasing the existing contract for Phase 7 West London Dyke project:

- a) the Upper Thames River Conservation Authority BE AUTHORIZED to carry out added works for Phase 7 of the West London Dyke reconstruction by increasing the City's cost share by \$176,526.62, including contingency, excluding HST;
- b) 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,
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this work. (2021-T04)

Motion Passed

- 5. (2.3) Sewage Overflows and Bypasses Into the Thames River - Sanitary Cross Connections

Motion made by: E. Pelozza

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the staff report dated September 21, 2021 related to Sewage Overflows and Bypasses into the Thames River – Sanitary Cross Connections, BE RECEIVED for information. (2021-E03/E05)

Motion Passed

- 6. (5.1) Deferred Matters List

Motion made by: E. Pelozza

That the Civic Works Committee Deferred Matters List as at September 13, 2021, BE RECEIVED.

Motion Passed

- 8.2 13th Report of the Planning and Environment Committee

At 4:27 PM, Councillor S. Hillier enters the meeting.

Motion made by: P. Squire

That the 13th Report of the Planning and Environment Committee BE APPROVED, excluding item 6 (3.3) and item 10 (4.1).

Yeas: (13): 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. Pelozza, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: P. Squire

That it BE NOTED that Councillor P. Squire disclosed a pecuniary interest in clause 3.3 of this Report, having to do with the property located at 755-785 Wonderland Road South (Westmount Mall), by indicating that his law office is located in the Mall.

Motion Passed

2. (2.1) 7th Report of the Advisory Committee on the Environment

Motion made by: P. Squire

That it be noted that the 7th Report of the Advisory Committee on the Environment, from its meeting held on September 1, 2021, BE RECEIVED for information.

Motion Passed

3. (2.2) 3700 Colonel Talbot Road (H-9387) (Relates to Bill No. 477)

Motion made by: P. Squire

That, on the recommendation of the Director, Planning and Development, based on the application by W-3 Lambeth Farms Inc., relating to the property located at 3700 Colonel Talbot Road, the proposed by-law appended to the staff report dated September 20, 2021 BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM Holding Residential Special Provision R1 (h*h-100*R1-3(23)), Holding Residential Special Provision R1 (h*h-84*h-100*R1-3(23)), Holding Residential Special Provision R1 (h*h-100*R1-4(36)), Holding Residential Special Provision R2 (h*h-100*R2-1(17)), Holding Residential Special Provision R4 (h*h-100*R4-6(12)), Holding Residential Special Provision R6 (h*h-100*R6-5(62)), Holding Residential Special Provision R8 (h*h-100*R8-4(49)), Holding Residential Special Provision R8 (h*h-100*R8-4(50)), Holding Residential Special Provision R8 (h*h-100*R8-4(51)), Holding Convenience Commercial Special Provision 6 (h*h-100*CC6(11)), Holding Convenience Commercial Special Provision 6 (h*h-100*CC6(12)), Holding Neighbourhood Facility Special Provision 1 (h*h-100*NF1(17)), and Open Space 1 (OS1) Zones TO Residential Special Provision R1 (R1-3(23)), Holding Residential Special Provision R1 (h-84*R1-3(23)), Residential Special Provision R1 (R1-4(36)), Residential Special Provision R2 (R2-1(17)), Residential Special Provision R4 (R4-6(12)), Residential Special Provision R6 (R6-5(62)), Residential Special Provision R8 (R8-4(49)), Residential Special Provision R8 (R8-4(50)), Residential Special Provision R8 (R8-4(51)), Convenience Commercial Special Provision 6 (CC6(11)), Convenience Commercial Special Provision 6 (CC6(12)), Neighbourhood Facility Special Provision 1 (NF1(17)), and Open Space 1 (OS1) Zones to remove the h and h-100 holding provisions. (2021-D09)

Motion Passed

4. (3.1) 900 King Street (Demolition Request on Heritage Listed Property)

Motion made by: P. Squire

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, with respect to the demolition request for the Anne Eadie Park Stage on the heritage listed property at 900 King Street, the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the Anne Eadie Park Stage on the property; it being noted that the property located at 900 King Street should remain on the Register of Cultural Heritage Resources as it is believed to be of cultural heritage value or interest; it being further noted that clause 4.2 of the 9th Report of the London Advisory Committee on Heritage with respect to this matter, was approved;

it being noted that no individuals spoke at the public participation meeting associated with this matter. (2021-P10D/RO1)

Motion Passed

5. (3.2) 1154 Sunningdale Road East (Z-9368) (Relates to Bill No. 478)

Motion made by: P. Squire

That, on the recommendation of the Director, Planning & Development, with respect to the application by Mary Dann, relating to the property located at 1154 Sunningdale Road East, the proposed by-law appended to the staff report dated September 20, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the 1989 Official Plan), BY AMENDING the Urban Reserve Special Provision (UR1(1)) Zone to add an additional permitted use;

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

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-Family, Medium Density Residential designation; and,
- the recommended amendment facilitates intensification of a site within the Built-Area Boundary. (2021-DO9)

Motion Passed

7. (3.4) 250-272 Springbank Drive (OZ-9310) (Relates to Bill No.'s 462, 466 and 479)

Motion made by: P. Squire

That, on the recommendation of the Director, Planning and Development the following actions be taken with respect to the application of 2355440 Ontario Inc., relating to the property located at 250-272 Springbank Drive:

- a) the proposed by-law appended to the staff report dated September 20, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend the 1989 Official Plan to AMEND a policy to Section 3.5 – Policies for Specific Residential Area West Coves that would modify the height from 14-storeys to 15-storeys on the subject lands located at 250-272 Springbank Drive;
- b) the proposed by-law appended to the staff report dated September 20, 2021 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend The London Plan to create a special policy area in the Urban Corridor Place Type at 250-272 Springbank Drive to add a site specific policy to align with the Specific Residential Policy in the 1989 Official Plan, and by ADDING the subject lands to Map 7 – Specific Policies Areas – of The London Plan;
- c) the proposed ~~attached~~, revised, by-law (Appendix "C") BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in parts a) and b) above), to change the zoning of the subject property FROM a holding Residential R9 Bonus/Office Residential Special Provision (h.R9-7.H42.B-49/OR4(2)) Zone and an Open Space (OS4) Zone TO a holding Residential R9 Bonus (h.R9-7.H42.*B-) Zone and an Open Space (OS4) Zone;

it being noted that the Bonus Zone shall be enabled through one or more agreements to facilitate the development of a high quality residential development, with a maximum height of 15-storeys (51 metres), 260 dwelling units and a maximum density of 306 units per hectare, which substantively implements the Site Plan and Elevations appended to the staff report dated September 20, 2021 as Schedule "1" to the amending by-law in return for the following facilities, services and matters:

1. Exceptional Building Design

the building design shown in the various illustrations contained in Schedule "1" of the amending by-law is being bonused for features which serve to support the City's objectives of promoting a high standard of design:

- enhanced building and site design features and a setback podium creating a pedestrian area linked to the public sidewalk;
- buildings oriented to Springbank Drive;
- energy efficient built form;
- garden suites adjacent to Springbank Drive with sidewalk access
- architectural design features on the towers that will enhance the skyline and break up the building mass;
- the inclusion of building step backs with a variety of building materials and building articulation to break up the massing of the building; and,

- purpose-designed amenity space on top of the parking structure.
2. Construction of 2 levels of underground parking;
 3. Dedication of the Open Space Lands as a public link and to complement the adjacent Environmentally Sensitive Area along with the removal of the existing asphalt parking lot and substituting it with landscaping;
 4. Provision of Affordable Housing consisting of:
 - a total of 28 units (14 one-bedroom units and 14 two-bedroom units) allocated towards the purpose of affordable housing;
 - a period of affordability for all identified affordable units be set at 50 years;
 - that rent for the identified affordable units be set at 85% of Average Market Rents (as determined by CMHC) for the London Census Metropolitan Area (CMA) for the calendar year of 2021 as established for one-bedroom and two-bedroom units;
 - the identified units will be mixed throughout and not otherwise identifiable within the building;
 - rents for the units shall be inclusive of heat and water and shall only be increased once per 12-month period;
 - that the identified affordable housing units be aligned with municipal priorities through a required Tenant Placement Agreement with the City of London; and
 - all conditions be secured through an agreement registered on title with associated compliance requirements and remedies.

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

- i) the final building design will consider incorporating bird-friendly design features; including, but not limited to, motion actuated lighting and window treatments up to the fourth floor of the proposed building;
- ii) incorporate an urban treatment between the built form and the City sidewalk. This can be achieved by landscaped tiered planters and staircases where changes in grades exist along the street. This should also include forms of public art along this street frontage, recognising the significant bonus zone that has been provided;
- iii) avoid dark tinted vision glass in favour of clear vision glass to animate the street.
- iv) enhanced provision of boundary fencing along boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities;
- v) ensure an access from Springbank Drive along the Thames Valley Corridor to the lands to the south be considered; and,
- vi) address the existing sanitary capacity issues. The Brookdale pumping station needs to be upgraded to accommodate the proposed density of this development;

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

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

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

- the recommended amendments meet the intent of the OMB Order to permit the development of a two tower residential development;
- the recommended amendments to modify the form of the development are considered appropriate and are consistent with the development framework currently approved;
- the recommended amendment is consistent with the Provincial Policy Statement (PPS), 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Urban Corridor Place Type and Key Directions;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-family, High Density Residential and Open Space designations;
- the recommended amendment facilitates the development of an underutilized site at an important location in the Built Area Boundary and Primary Transit Area; and,
- the recommended amendment facilitates the development of affordable housing units that will help in addressing the growing need for affordable housing in London. The recommended amendment is in alignment with the Housing Stability Action Plan 2019-2024 and Strategic Area of Focus 2: Create More Housing Stock. (2021-D09)

Motion Passed

8. (3.5) Argyle Core Area Community Improvement Plan (O-9299)
(Relates to Bill No.'s 463, 464, 467, 469, and 470)

Motion made by: P. Squire

That, on the recommendation of the Director, Planning and Development and Interim Director, Economic Services and Supports, the following actions BE TAKEN with respect to the Argyle Core Area Community Improvement Plan (CIP):

- a) the proposed by-law appended to the staff report dated September 20, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend the 1989 Official Plan to designate the Argyle Core Area Community Improvement Plan Project Area pursuant to Section 28 of the Planning Act, R.S.O. 1990, c. P.13 and as provided for under Section 14.2.2 of the 1989 Official Plan;
- b) the proposed by-law appended to the staff report dated September 20, 2021 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to adopt the Argyle Core Area Community Improvement Plan;
- c) the proposed by-law amendment appended to the staff report dated September 20, 2021 as Appendix "C" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend the 1989 Official Plan by adding Section 14.2.2 ii) Dundas Street Corridor and Argyle Mall Area to the list of commercial areas eligible for community improvement under Section 14.2.2 ii), and

adding the Dundas Street Corridor and Argyle Mall Area to Figure 14-1 to recognize the commercial areas eligible for community improvement;

d) the proposed by-law appended to the staff report dated September 20, 2021 as Appendix "D" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to establish eligibility for financial incentive programs in the Argyle Core Area Community Improvement Project Area; and,

e) the proposed by-law appended to the staff report dated September 20, 2021 as Appendix "E" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend the Official Plan, 2016, The London Plan Map 8 – Community Improvement Project Areas by ADDING the Argyle Core Area Community Improvement Project Area;

it being noted that funding for existing CIP incentive programs will expire no later than December 31, 2023, pending a Municipal Council review of the program results to be provided prior to the adoption of the 2024- 2027 Multi-Year Budget, therefore Staff is recommending that funding for any potential incentive programs or other financial requirements in the Argyle CIP be considered through the comprehensive review of funding levels for all CIPs prior to the next (2024-2027) Multi-Year Budget;

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

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

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

- based on the policy analysis demonstrated in this report, the Argyle Regeneration Study Recommendations and the community engagement over the past two years, community improvement in the Argyle Core Area is desirable because of age, dilapidation, unsuitability of buildings, deficiencies in infrastructure, as well as other environmental, social and community economic development reasons consistent with the Planning Act;
- the Argyle Core Area Community Improvement Plan combines the community's vision for improvement with issues identified by staff into one comprehensive plan. Staff recommends that the Argyle Core Area Community Improvement Plan be adopted including the financial incentive guidelines, all pursuant to Section 28 of the Planning Act, Chapter 14 of the 1989 Official Plan and Our Tools Section of The London Plan. (2021-D19)

Motion Passed

9. (3.6) 1150 Fanshawe Park Road East (Site Plan Meeting) (SPA21-050)

Motion made by: P. Squire

That, on the recommendation of the Director, Planning & Development, the following actions be taken with respect to the application of Stackhouse Developments (London) Inc., relating to the property located at 1150 Fanshawe Park Road East:

a) the Approval Authority BE ADVISED that the following issues were raised at the public participation meeting with respect to the Site Plan Approval application to facilitate the construction of the proposed residential development relating to the property located at 1150 Fanshawe Park Road East:

- i) lack of privacy with the apartments facing the backyards of the residences on Howlett Circle;
- ii) concern for the wildlife in the forested area of the subject property;
- iii) concern for the possible removal of mature Spruce trees, specifically trees 17 to 21, inclusive;
- iv) concern with the lighting from the proposed apartment building shining on neighbouring properties;
- v) concern with the storage of the garbage;

it being noted that the applicant addressed the concerns relating to the trees, lighting and garbage storage;

b) the Approval Authority BE ADVISED that the Municipal Council supports the Site Plan Application for the subject property;

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

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the ~~attached~~ public participation meeting record made oral submissions regarding these matters. (2021-D11)

Motion Passed

6. (3.3) 755-785 Wonderland Road South (Westmount Mall) (Z-9356)

Motion made by: A. Hopkins

That the application by McCOR Management Inc., relating to the property located at 755-785 Wonderland Road South (Westmount Mall) BE REFERRED back to the Civic Administration for further consultation with the applicant with respect to the permitted uses in the zone and how the applicant's request may be accommodated and to report back to a future public participation meeting of the Planning and Environment Committee;

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

- the staff presentation;
- a communication dated September 16, 2021, from P. Lombardi, Partner, Siskinds The Law Firm;
- a communication dated September 16, 2021, from S. Allen, Partner, MHBC Planning;
- a communication dated September 16, 2021, from B. Maly, Executive Director, Downtown London and A. McClenaghan, Chair, London Downtown Business Association;

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

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, M. Cassidy, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, and S. Hillier

Nays: (1): J. Helmer

Recuse: (1): P. Squire

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (11 to 1)

10. (4.1) 9th Report of the London Advisory Committee on Heritage

Motion made by: P. Squire

That the 9th Report of the London Advisory Committee on Heritage, from its meeting held on September 8, 2021, BE RECEIVED for information.

Motion made by: P. Squire

Seconded by: A. Hopkins

That clause 4.1 BE AMENDED to read as follows:

"That, the following actions be taken with respect to the 9th Report of the London Advisory Committee on Heritage, from its meeting held on September 8, 2021:

a) on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the following actions be taken with respect to the staff report, dated September 8, 2021, related to a request for designation of the property located at 44 Bruce Street:

i) notice BE GIVEN, under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property located at 44 Bruce Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of the above-noted staff report; and,

ii) should no objections to Municipal Council's notice of intention to designate be received, a by-law to designate the property at 44 Bruce Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of the above-noted staff report BE INTRODUCED at a future meeting of Municipal Council within 90 days of the end of the objection period;

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

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

b) on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the Anne Eadie Park Stage on the heritage listed property located at 900 King Street;

it being noted that the property located at 900 King Street should remain on the Register of Cultural Heritage Resources as it is believed to be of cultural heritage value or interest

c) S. Wise, Senior Planner, BE ADVISED that, despite the changes that have been brought forward in the Notice of Planning Application, dated June 28, 2021, from S. Wise, Senior Planner, with respect to Revised Official Plan and Zoning By-law Amendments, related to the properties located at 560 and 562 Wellington Street, the London Advisory Committee on Heritage, reiterates its comments from the meeting held on January 11, 2017 with respect to concerns about the following matters related to the compatibility of the proposed application with the West Woodfield Heritage Conservation District Plan guidelines, Victoria Park and the adjacent properties:

- i) the height of the building;
 - ii) the massing of the building;
 - iii) the setbacks of the building;
 - iv) the design of exterior facades; and,
 - v) shadowing impacts onto adjacent heritage properties; and,
- d) clauses 1.1, 2.1 to 2.5, inclusive, 3.1, 4.4 and 5.1 BE RECEIVED for information."

Yeas: (13): 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, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

Motion made by: P. Squire

Seconded by: A. Hopkins

That clause 4.1, as amended, BE APPROVED.

Yeas: (13): 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, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

Clause 4.1, as amended, reads as follows:

That, the following actions be taken with respect to the 9th Report of the London Advisory Committee on Heritage, from its meeting held on September 8, 2021:

a) on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the following actions be taken with respect to the staff report, dated September 8, 2021, related to a request for designation of the property located at 44 Bruce Street:

- i) notice BE GIVEN, under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property located at 44 Bruce Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of the above-noted staff report; and,
- ii) should no objections to Municipal Council's notice of intention to designate be received, a by-law to designate the property at 44 Bruce Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of the above-noted staff report BE

INTRODUCED at a future meeting of Municipal Council within 90 days of the end of the objection period;

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

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

b) on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the Anne Eadie Park Stage on the heritage listed property located at 900 King Street;

it being noted that the property located at 900 King Street should remain on the Register of Cultural Heritage Resources as it is believed to be of cultural heritage value or interest

c) S. Wise, Senior Planner, BE ADVISED that, despite the changes that have been brought forward in the Notice of Planning Application, dated June 28, 2021, from S. Wise, Senior Planner, with respect to Revised Official Plan and Zoning By-law Amendments, related to the properties located at 560 and 562 Wellington Street, the London Advisory Committee on Heritage, reiterates its comments from the meeting held on January 11, 2017 with respect to concerns about the following matters related to the compatibility of the proposed application with the West Woodfield Heritage Conservation District Plan guidelines, Victoria Park and the adjacent properties:

- i) the height of the building;
 - ii) the massing of the building;
 - iii) the setbacks of the building;
 - iv) the design of exterior facades; and,
 - v) shadowing impacts onto adjacent heritage properties; and,
- d) clauses 1.1, 2.1 to 2.5, inclusive, 3.1, 4.4 and 5.1 BE RECEIVED for information.

8.3 14th Report of the Planning and Environment Committee

Motion made by: P. Squire

That the 14th Report of the Planning and Environment Committee BE APPROVED, excluding item 5(4.1).

Yeas: (13): 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, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: P. Squire

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) 995 Fanshawe Park Road West (Request for Extension of Draft Plan Approval) (39T-05512)

Motion made by: P. Squire

That, on the recommendation of the Director, Planning and Development, based on the application by Landea Developments Inc., relating to the property located at 995 Fanshawe Park Road West, the Approval Authority BE REQUESTED to approve a three (3) year extension to Draft Plan Approval for the residential plan of subdivision File No. 39T-05512, SUBJECT TO the revised conditions contained in Schedule "A" 39T-05512 of the staff report dated September 27, 2021. (2021-D09)

Motion Passed

3. (3.1) 1235 Fanshawe Park Road West (39CD-21510)

Motion made by: P. Squire

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Tyler Peers, on behalf of Calloway REIT (Fox Hollow) Inc., relating to the property located at 1235 Fanshawe Park Road West:

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 1235 Fanshawe Park Road West; 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 1235 Fanshawe Park Road West;

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

- the staff presentation;
- a communication dated September 15, 2021, from M. and R. Circelli; and,
- a communication from L. Mills, Chairperson, Fox Hollow Senior Apartments Tenants' Association;

it being pointed out that at the public participation meeting associated with these matters, there were no public submissions regarding these matters. (2021-D09)

Motion Passed

4. (3.2) 1938 and 1964 Commissioners Road East (39T-19501 / Z-9015) (Relates to Bill No.'s 465, 468 and 480)

Motion made by: P. Squire

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Sifton Properties Limited relating to the properties located at 1938 and 1964 Commissioners Road East:

a) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Draft Plan of Subdivision submitted by Sifton Properties Limited, relating to lands located at 1938 and 1964 Commissioners Road East;

b) the Approval Authority BE ADVISED that Municipal Council supports issuing draft approval of the proposed plan of subdivision as submitted by Sifton Properties Limited, prepared by Archibald, Gray & McKay Ltd. (Plan No. 8-L-5276), certified by Jason Wilband O.L.S., dated November 25, 2020, as red-line amended, which shows a total of 12 single detached residential lots, 5 single detached residential blocks, 4 medium density residential blocks, 2 future development blocks, 7 park blocks, 1 open space block, 6 open space buffer blocks, 1 road widening block, and 1 reserve block, served by 2 new streets, SUBJECT TO the conditions contained in Appendix 'A' appended to the staff report dated September 27, 2021;

c) the proposed by-law appended to the staff report dated September 27, 2021 as Appendix 'B' BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend The London Plan by adding a Specific Policy for the Neighbourhood Place Type and to add a portion of the subject lands to Map 7 – Specific Policy Areas, of The London Plan;

d) the proposed by-law appended to the staff report dated September 27, 2021 as Appendix 'C' BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend the 1989 Official Plan for a portion of lands located at 1938 & 1964 Commissioners Road East by changing the designation on Schedule A – Land Use FROM Low Density Residential TO Multi-family, Medium Density Residential; and,

e) the proposed by-law appended to the staff report dated September 27, 2021 as Appendix 'D' BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in Parts c) and d) above), to change the zoning of the subject lands FROM an Urban Reserve UR4, Open Space OS4, and holding Open Space (h-2•OS4) Zones TO a holding Residential R1 Special Provision (h•h-100•R1-3(16)) Zone, a holding Residential R1 Special Provision (h•h-100•R1-3(*)) Zone, a holding Residential R1 Special Provision (h•R1-4(28)) Zone, a holding Residential R1/R4 Special Provision (h•h-100•R1-3(16)/R4-3(*)) Zone, a holding Residential R5/R6 Special Provision (h•h-54•h-71•h-100•R5-6(8)/R6-5(31)) Zone, a holding Residential R5/R6/R8 Special Provision (h•h-100•R5-5()/R6-5()/R8-3()) Zone, a holding Business District Commercial/ Office/Residential R8 Special Provision (h•h-54•h-100•h-128•BDC2(5)/OF5/R8-4(17)) Zone, an Open Space OS1 Zone, an Open Space OS1 Special Provision (OS1(3)) Zone, an Open Space OS5 Zone, and an Urban Reserve UR4 Special Provision (UR4(7) Zone;

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

it being pointed out that at the public participation meeting associated with these matters, there were no public submissions regarding these matters;

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

- the proposed draft plan of subdivision and zoning amendment is consistent with the Provincial Policy Statement (PPS), 2020, as it achieves objectives for efficient and resilient development and land use patterns. It represents development of low and medium density forms of housing, including single detached dwelling lots, townhouse and cluster forms of housing, and low-rise apartment buildings taking place within the City's urban growth area and within an area for which an area plan has been approved to guide future community development. It also achieves objectives for promoting compact form, contributes to the neighbourhood mix of housing and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, and increases community connectivity;
- the proposed draft plan of subdivision and zoning conforms to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place Type, Our Strategy, City Building and Design, Our Tools, and all other applicable London Plan policies;
- the proposed draft plan of subdivision and zoning conforms to the policies of the (1989) Official Plan, including but not limited to the Low Density Residential, Multi-Family, Medium Density Residential, and Open Space designations; and,
- the proposed draft plan of subdivision and zoning represents Phase 6 of the Victoria on the River residential subdivision. In terms of use, form and intensity the proposed subdivision plan is considered appropriate and in keeping with The London Plan, 1989 Official Plan, and the the Old Victoria Area Plan policies and design guidelines. (2021-D09)

Motion Passed

5. (4.1) 2631 Hyde Park Road and 1521 Sunningdale Road West

Motion made by: P. Squire

That, the following updated instructions be given to Civic Administration relating to the properties located at 2631 Hyde Park Road and 1521 Sunningdale Road West:

- a) the Civic Administration BE REQUESTED to work with the Applicant to facilitate the necessary zoning by-law amendment(s) within the Kent Subdivision to allow for a new elementary school;
- b) notwithstanding the recommendation of the Director, Development Services, with respect to the application by Auburn Developments Inc., relating to the property located at 2631 Hyde Park Road and 1521 Sunningdale Road West, the Civic Administration BE DIRECTED to bring back a proposed by-law to amend the Official Plan to change the designation of the subject lands FROM an Open Space designation TO a Low Density Residential and Environmental Review designation and to amend The London Plan to change the Place Type of the subject lands FROM a Green Space place type TO a Neighbourhoods place type and Environmental Review place type to be considered at a future public participation meeting of the Planning and Environment Committee;

it being noted that the future development of the lands shall fully comply with the policies of the Neighbourhoods Place Type of The London Plan; and,

it being further noted that the costs of any temporary servicing required for these lands shall be at the full cost of the property owner;

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

- a communication dated September 8, 2021, from J. Pratt, Associate Director and Treasurer, Thames Valley District School Board;
- a communication dated September 20, 2021, from Deputy Mayor J. Morgan;
- a communication dated September 13, 2021, from J. Sousa, Brown Beattie O'Donovan;
- a communication dated September 23, 2021, from A. Clark, Co-Chair, Sir Arthur Currie Public School Council / President, Sir Arthur Currie Home & School;
- a communication from S. Trosow, by e-mail; and,
- a communication dated September 23, 2021 from A. DeActis, by e-mail.

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

That, the following actions be taken with respect to the property located at 2631 Hyde Park Road and 1521 Sunningdale Road West:

- a) the request to rezone the property located at 2631 Hyde Park Road and 1521 Sunningdale Road West BE REFERRED to the Civic Administration to work with the applicant, the Province and the Thames Valley District School Board to provide a detailed application, including location mapping, and to report back to a future meeting of the Planning and Environment Committee; and,
- b) the Thames Valley District School Board BE REQUESTED to attend the Planning and Environment Committee when the Civic Administration reports back on the above-noted matters.

Yeas: (4): M. Cassidy, A. Hopkins, S. Turner, and E. Pelozza

Nays: (9): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, P. Squire, J. Morgan, S. Lehman, P. Van Meerbergen, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Failed (4 to 9)

Motion made by: P. Squire

The motion to approve part a) is put.

That, the following updated instructions be given to Civic Administration relating to the properties located at 2631 Hyde Park Road and 1521 Sunningdale Road West:

- a) the Civic Administration BE REQUESTED to work with the Applicant to facilitate the necessary zoning by-law amendment(s) within the Kent Subdivision to allow for a new elementary school;

Yeas: (13): 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. Pelozza, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

Motion made by: P. Squire

The motion to approve part b) is put.

b) notwithstanding the recommendation of the Director, Development Services, with respect to the application by Auburn Developments Inc., relating to the property located at 2631 Hyde Park Road and 1521 Sunningdale Road West, the Civic Administration BE DIRECTED to bring back a proposed by-law to amend the Official Plan to change the designation of the subject lands FROM an Open Space designation TO a Low Density Residential and Environmental Review designation and to amend The London Plan to change the Place Type of the subject lands FROM a Green Space place type TO a Neighbourhoods place type and Environmental Review place type to be considered at a future public participation meeting of the Planning and Environment Committee;

it being noted that the future development of the lands shall fully comply with the policies of the Neighbourhoods Place Type of The London Plan; and,

it being further noted that the costs of any temporary servicing required for these lands shall be at the full cost of the property owner;

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

- a communication dated September 8, 2021, from J. Pratt, Associate Director and Treasurer, Thames Valley District School Board;
- a communication dated September 20, 2021, from Deputy Mayor J. Morgan;
- a communication dated September 13, 2021, from J. Sousa, Brown Beattie O'Donovan;
- a communication dated September 23, 2021, from A. Clark, Co-Chair, Sir Arthur Currie Public School Council / President, Sir Arthur Currie Home & School;
- a communication from S. Trosow, by e-mail; and,
- a communication dated September 23, 2021 from A. DeActis, by e-mail.

Yeas: (7): Mayor E. Holder, M. van Holst, S. Lewis, P. Squire, J. Morgan, S. Lehman, and P. Van Meerbergen

Nays: (6): J. Helmer, M. Cassidy, A. Hopkins, S. Turner, E. Pelosa, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (7 to 6)

8.4 13th Report of the Community and Protective Services Committee

Motion made by: J. Helmer

That the 13th Report of the Community and Protective Services Committee BE APPROVED, excluding item 11(2.4) and 12(4.1).

Yeas: (13): 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, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 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) 7th and 8th Reports of the Animal Welfare Advisory Committee

Motion made by: J. Helmer

That the 7th and 8th Reports of the Animal Welfare Advisory Committee, from the meetings held on August 5, 2021 and September 2, 2021, respectively, BE RECEIVED.

Motion Passed

3. (2.2) 7th Report of the Accessibility Advisory Committee

Motion made by: J. Helmer

That the 7th Report of the Accessibility Advisory Committee, from its meeting held on August 26, 2021, BE RECEIVED.

Motion Passed

4. (2.3) 4th and 5th Reports of the Community Safety and Crime Prevention Advisory Committee

Motion made by: J. Helmer

That the 4th and 5th Reports of the Community Safety and Crime Prevention Advisory Committee, from the meetings held on August 26, 2021 and September 13, 2021, BE RECEIVED.

Motion Passed

5. (2.5) Property Standards Related Demolition - 72 Wellington Street (Relates to Bill No. 456)

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the by-law, as appended to the staff report dated September 21, 2021, BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021, to approve the demolition of an abandoned building at the municipal address of 72 Wellington Street, in the City of London; it being noted that property shall be cleared of all identified buildings, structures, debris and refuse and left in a graded and levelled condition in accordance with the City of London Property Standards By-law and Building Code Act. (2021-P10D)

Motion Passed

6. (2.6) mobilINSPECT By-law and Enforcement - A Mobile Application for Inspections by Partho Technologies Inc. (Relates to Bill No. 457)

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the staff report dated September 21, 2021, with respect to mobilINSPECT By-law and Enforcement – A Mobile Application for Inspections by Partho Technologies Inc.:

- a) the price of \$99,000 (HST extra), negotiated with Partho Technologies Inc., for the provision of mobilINSPECT By-law and Enforcement, BE ACCEPTED on a Single Source basis in accordance with sections 14.4 (d) and 14.4 (e) of the Procurement of Goods and Services Policy;
- b) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this purchase;
- c) the approvals given, herein, BE CONDITIONAL upon The Corporation of the City of London entering into a formal contract for this purchase;
- d) the Mayor and the City Clerk BE AUTHORIZED to execute any contract, statement of work or other documents, if required, to give effect to these recommendations; and,
- e) the by-law, as appended to the Added Agenda, BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021, to:
 - i) approve the Statement of Work, as appended to the above-noted by-law, between The Corporation of the City of London and Partho Technologies Inc. for the purpose of using mobilINSPECT Enforce; and,
 - ii) authorize the Deputy City Manager, Planning and Economic Development to execute the above-noted Statement of Work. (2021-P01)

Motion Passed

- 7. (2.7) Discrimination Experienced by Immigrants, Visible Minorities and Indigenous Peoples in London and Middlesex, An Empirical Study by the London and Middlesex Local Immigration Partnership

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Social and Health Development, the staff report, dated September 21, 2021, with respect to Discrimination Experienced by Immigrants, Visible Minorities and Indigenous Peoples in London and Middlesex, An Empirical Study by the London and Middlesex Local Immigration Partnership, BE RECEIVED. (2021-S15)

Motion Passed

- 8. (2.8) Update on London's Newcomer Strategy: Choose London - Innovative, Vibrant and Global

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Social and Health Development, the staff report dated September 21, 2021, with respect to an Update on London's Newcomer Strategy: Choose London – Innovative, Vibrant and Global, BE RECEIVED. (2021-D01)

Motion Passed

9. (2.9) Housing Stability for All Plan - Mid-Year Update

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Social and Health Development, and the Deputy City Manager Planning and Economic Development, the staff report dated September 21, 2021, with respect to a mid-year update on the Housing Stability for All Plan, BE RECEIVED. (2021-S11)

Motion Passed

10. (2.10) Single Source - Life Stabilization: Electronic Document Management (EDM) (Relates to Bill No. 458)

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Social and Health Development, the following actions be taken with respect to the staff report dated September 21, 2021, with respect to Electronic Document Management for Life Stabilization:

a) a Change Order to the existing Single Source Master Services Agreement with Nimble Information Strategies Inc. (SS20-33) BE APPROVED as per Council Policy By-law No. A.-6151-17, Schedule C, Section 20.3, as amended, for a total funding amount of \$342,930, plus applicable taxes, to digitize active Ontario Works files by December 31st, 2021;

b) proposed By-law, as appended to the staff report dated September 21, 2021, BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021, to:

i) approve the Change Order, as appended to the above-noted by-law, which amends the Master Services Agreement; and,

ii) authorize the Deputy City Manager, Social and Health Development, to execute the above noted Change Order;

c) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in relation to this matter. (2021-A10)

Motion Passed

13. (5.1) Deferred Matters List

Motion made by: J. Helmer

That the Deferred Matters List for the Community and Protective Services Committee, as at September 13, 2021, BE RECEIVED.

Motion Passed

11. (2.4) Property Standards Matters (March 2021 Council Resolution)

Motion made by: J. Helmer

That the following actions be taken with respect to the staff report dated September 21, 2021, related to Property Standards Matters (March 2021 Council Resolution):

- a) the Civic Administration BE DIRECTED to report back at a future meeting of the Community and Protective Services Committee on how a RentSafeLondon by-law enforcement program, modelled after the RentSafeTO program, could be implemented, including proposed fees for registration and building audits;
- b) the verbal delegations from S. Lawrence, D. Devine, J. Phoenix and N. Chiles, with respect to this matter, BE RECEIVED; and,
- c) the following items, as well as the above-noted staff report, with respect to this matter, BE RECEIVED:
 - a communication, as appended to the Added Agenda, from S. Lawrence;
 - a communication, as appended to the Added Agenda, from D. Devine;
 - a communication, as appended to the Added Agenda, from J. Phoenix;
 - a communication, as appended to the Added Agenda, from N. Chiles;
 - a communication, as appended to the Added Agenda, from ACORN London; and,
 - a communication, as appended to the Added Agenda, from J. Hoffer, Cohen Highley. (2021-P01)

Motion made by: P. Van Meerbergen

Seconded by: P. Squire

That part a) BE AMENDED to read as follows:

- a) the Civic Administration BE DIRECTED to report back at a future meeting of the Community and Protective Services Committee on an evaluation of a RentSafeLondon by-law enforcement program, modelled after the RentSafeTO program, including proposed fees for registration and building audits;

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

Nays: (1): J. Helmer

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (12 to 1)

Motion made by: P. Squire

Seconded by: M. Cassidy

That clause 11, as amended, BE APPROVED.

Yeas: (13): 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, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

Clause 2.4, as amended, reads as follows:

That the following actions be taken with respect to the staff report dated September 21, 2021, related to Property Standards Matters (March 2021 Council Resolution):

- a) the Civic Administration BE DIRECTED to report back at a future meeting of the Community and Protective Services Committee on an evaluation of a RentSafeLondon by-law enforcement program, modelled after the RentSafeTO program, including proposed fees for registration and building audits;
- b) the verbal delegations from S. Lawrence, D. Devine, J. Phoenix and N. Chiles, with respect to this matter, BE RECEIVED; and,
- c) the following items, as well as the above-noted staff report, with respect to this matter, BE RECEIVED:
 - a communication, as appended to the Added Agenda, from S. Lawrence;
 - a communication, as appended to the Added Agenda, from D. Devine;
 - a communication, as appended to the Added Agenda, from J. Phoenix;
 - a communication, as appended to the Added Agenda, from N. Chiles;
 - a communication, as appended to the Added Agenda, from ACORN London; and,
 - a communication, as appended to the Added Agenda, from J. Hoffer, Cohen Highley. (2021-P01)

12. (4.1) Flyer Deliveries to Residential Properties

Motion made by: J. Helmer

That the following actions be taken with respect to the staff report dated September 21, 2021, with respect to Flyer Deliveries to Residential Properties:

- a) the matter of flyer deliveries to residential properties BE REFERRED to a future meeting of the Community and Protective Services Committee (CPSC) to provide an opportunity for further discussion of this matter; and,
- b) the delegation requests from A. Marchand, as appended to the Agenda, and D. Ronson, as appended to the Added Agenda, BE REFERRED to a future meeting of the CPSC; it being noted that the following communications, with respect to this matter, were received:
 - a communication, as appended to the Agenda, from A. Marchand;
 - a communication, as appended to the Added Agenda, from D. Ronson;

- a communication, as appended to the Added Agenda, from the Viewer Discretion Legislation Coalition; and,
- a communication, as appended to the Added Agenda, from S. Trosow. (2021-S08/T07)

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

That clause 4.1, BE AMENDED by adding the following new part c):

c) that a public participation meeting BE HELD in conjunction with the above-noted report back;

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, and S. Hillier

Nays: (2): M. Cassidy, and S. Turner

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (11 to 2)

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

That clause 4.1, as amended, BE APPROVED.

Yeas: (11): Mayor E. Holder, S. Lewis, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, and S. Hillier

Nays: (2): M. van Holst, and S. Turner

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (11 to 2)

Clause 4.1, as amended, reads as follows:

That the following actions be taken with respect to the staff report dated September 21, 2021, with respect to Flyer Deliveries to Residential Properties:

- a) the matter of flyer deliveries to residential properties BE REFERRED to a future meeting of the Community and Protective Services Committee (CPSC) to provide an opportunity for further discussion of this matter;
- b) the delegation requests from A. Marchand, as appended to the Agenda, and D. Ronson, as appended to the Added Agenda, BE REFFERED to a future meeting of the CPSC; and,
- c) that a public participation meeting BE HELD in conjunction with the above-noted report back;

it being noted that the following communications, with respect to this matter, were received:

- a communication, as appended to the Agenda, from A. Marchand;
- a communication, as appended to the Added Agenda, from D. Ronson;
- a communication, as appended to the Added Agenda, from the

Viewer Discretion Legislation Coalition; and,
· a communication, as appended to the Added Agenda, from S. Trosow. (2021-S08/T07)

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

That the Council recess at this time

Motion Passed

The Council recesses at 6:38 PM, and reconvenes at 7:00 PM with all members in attendance excluding Councillors M. Salih and A. Kayabaga.

8.5 15th Report of the Corporate Services Committee

Motion made by: M. Cassidy

That the 15th Report of the Corporate Services Committee BE APPROVED, excluding item 11 (5.1).

Yeas: (13): 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. Pelozza, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: M. Cassidy

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.3) Proposed Amendment to Council Policy to Recognize National Day for Truth and Reconciliation (National Orange Shirt Day) - September 30th (Relates to Bill No.'s 459 and 460)

Motion made by: M. Cassidy

That, on the recommendation of the City Clerk, the following actions be taken with respect to the National Day for Truth and Reconciliation (National Orange Shirt Day) – September 30th:

a) the proposed by-law as appended to the staff report dated September 20, 2021 as Appendix “A” being “A by-law to amend By-law No. CPOL.-114-366, as amended, being “Flags at City Hall” Policy to provide for that on September 30th of each year the “Every Child Matters Flag” will be flown on the Community Flag Pole to recognize the National Day for Truth and Reconciliation (National Orange Shirt Day)”, BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021; and,

b) the proposed by-law as appended to the staff report dated September 20, 2021 as Appendix “B” being “A by-law to amend By-law No. CPOL.-127-379, as amended, being “Illumination of City of London Buildings and Amenities” Policy to provide for City of

London buildings and amenities be lit orange on September 30th of each year to recognize National Day for Truth and Reconciliation (National Orange Shirt Day)", BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021.

Motion Passed

3. (2.4) SS21-34 Single Source Corporate Technology (Relates to Bill No. 454)

Motion made by: M. Cassidy

That, on the recommendation of the Director, Information Technology Services the following actions be taken, with respect to Corporate Technology Assets:

- a) approval hereby BE GIVEN to extend the existing Single Source contract, the Vendor of Record (VOR OSS-00466131), Province of Ontario Agreement (Schedule A) for a twelve (12) month term for Desktop Management Products and Services from CompuCom Canada Co., 1830 Matheson Boulevard, Unit, Mississauga, ON, Canada L4W 0B3 at a planned cost of \$732,702.52 in 2022;
- b) the proposed by-law as appended to the staff report dated September 20, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021:
 - i. TO APPROVE the agreement with CompuCom Canada Co. (the "Supplier") and The Corporation of the City of London (the "Buyer") for the "Publicly Funded Organization Agreement" for Desktop Management Services and Products (DMSP-03); and
 - ii. TO AUTHORIZE the Mayor and City Clerk to execute the Agreement;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this matter;
- d) approval hereby given BE CONDITIONAL upon the Corporation negotiating the maintaining of satisfactory prices, terms and conditions with CompuCom Canada Co. to the satisfaction of both the City Treasurer and the Director, Information Technology Services; and,
- e) approval hereby given BE CONDITIONAL upon the Corporation entering into a formal contract, agreement or having a purchase order relating to the subject matter of this approval.

Motion Passed

4. (2.5) Expropriation of Lands - Southdale Road West and Wickerson Road Improvements Project (Relates to Bill No. 471)

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, with the concurrence of the Director, Transportation and Mobility, on the advice of the Director, Realty Services, approval BE GIVEN to the expropriation of land as may be required for the Southdale Road West and Wickerson Road

improvements project, and that the following actions be taken in connection therewith:

- a) application be made by The Corporation of the City of London as Expropriating Authority to the Council of The Corporation of the City of London as approving authority for the approval to expropriate the land required for the Southdale Road West and Wickerson Road improvements project;
- b) The Corporation of the City of London serve and publish notice of the above application in accordance with the terms of the *Expropriations Act*;
- c) The Corporation of the City of London forward to the Chief Inquiry Officer any requests for a hearing that may be received and report such to the Council of The Corporation of the City of London for its information; and,
- d) the proposed by-law as appended to the staff report dated September 20, 2021 as Schedule "B" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

Motion Passed

- 5. (2.6) Appointments and Updates to the Joint Venture Management Committee for the 4-Pad Arena Complex and to the Western Fair Lease Oversight Committee (Relates to Bill No.'s 453 and 455)

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to organizational structure changes:

- a) the proposed by-law as appended to the staff report dated September 20, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to approve the appointment of the City's representatives to the Joint Venture Management Committee for the 4-Pad Arena Complex located on Western Fair Association (WFA) lands; and,
- b) the proposed by-law as appended to the staff report dated September 20, 2021 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021 to approve the appointment of City of London representatives to the Lease Oversight Committee under the ground lease between The Corporation of the City of London and the Western Fair Association.

Motion Passed

- 6. (2.7) Investment Holdings Notification

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, the staff report dated September 20, 2021 regarding

Investment Holdings Notification report BE RECEIVED for information.

Motion Passed

7. (2.1) 2021 Mid-Year Operating Budget Monitoring Report

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to the 2021 Mid-Year Operating Budget Monitoring Report:

a) the 2021 Operating Budget Mid-Year Monitoring Report for the Property Tax Supported Budget, Water Budget, and Wastewater and Treatment Budget BE RECEIVED for information: it being noted that the year-end positions could fluctuate based on factors beyond the control of the Civic Administration:

- i) Property Tax Supported Budget projected surplus of \$11.2 million prior to the Reserve Fund contribution listed in part b), below;
- ii) Water Rate Supported Budget projected surplus of \$3.3 million prior to the Reserve contribution listed in part c), below; and,
- iii) Wastewater and Treatment Rate Supported Budget projected surplus of \$3.5 million prior to the Reserve contribution listed in part c), below;

b) notwithstanding the Council approved Surplus/Deficit Policy, the Civic Administration BE AUTHORIZED to allocate up to \$10 million of the Property Tax Supported Budget Surplus to the New Affordable Housing Reserve Fund to support future affordable housing initiatives, noting that any remaining surplus will be allocated in accordance with the Surplus/Deficit Policy;

c) the contribution of year-end Water and Wastewater and Treatment Rate Supported Budget surplus to the applicable Contingency Reserve up to the respective contingency target in accordance with the Council approved Surplus/Deficit Policy BE RECEIVED for information; it being noted that the projected contributions to achieve each contingency target are as follows:

- i) \$1.7 million to the Water Budget Contingency Reserve;
- ii) \$2.3 million to the Wastewater and Treatment Budget Contingency Reserve;

d) the remaining Water and Wastewater and Treatment Rate Supported Budget surplus BE ALLOCATED in accordance with the Surplus/Deficit Policy; and

e) the presentation providing an overview of 2021 Mid-Year Budget Monitoring (as appended to the staff report dated September 20, 2021 as Appendix C) BE RECEIVED for information;

it being noted that the Corporate Services Committee received a communication dated September 16, 2021 from C. Butler with respect to this matter.

Motion Passed

8. (2.2) 2021 Mid-Year Capital Budget Monitoring Report

Motion made by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, the following actions be taken with respect to the 2021 Mid-Year Capital Budget Monitoring Report:

- a) the 2021 Mid-Year Capital Budget Monitoring Report BE RECEIVED for information; it being noted that the life-to-date capital budget represents \$2.36 billion with \$1.48 billion committed and \$0.89 billion uncommitted; it being further noted that the City Treasurer, or designate, will undertake the housekeeping budget adjustments identified in the Report, in accordance with the Multi-Year Budget Policy adopted by amending by-law No. CPOL.-45(b)-239;
- b) the status updates of active 2018 life-to-date capital budgets (2018 and prior) having no future budget requests, as appended to the staff report dated September 20, 2021 as Appendix "B", BE RECEIVED for information;
- c) the following actions be taken with respect to the completed capital projects identified in Appendix "C", as appended to the above-noted staff report, which have a total of \$2.5 million of net surplus funding:
 - i) the capital projects included in Appendix "C" BE CLOSED;
 - ii) the following actions be taken with respect to the funding associated with the capital projects approved for closure in c) i), above:

Rate Supported

- A) pay-as-you-go funding of \$247 thousand BE TRANSFERRED to capital receipts;
- B) authorized debt financing of \$44 thousand BE RELEASED resulting in a reduction of authorized, but unissued debt;
- C) uncommitted reserve fund drawdowns of \$1.4 million BE RELEASED back into the reserve funds which originally funded the projects;

Non-Rate Supported

- D) uncommitted reserve fund drawdowns of \$832 thousand BE RELEASED back into the reserve funds which originally funded the projects.

Motion Passed

9. (4.1) Application - Issuance of Proclamation - Economic Abuse Awareness Day

Motion made by: M. Cassidy

That based on the application dated August 23, 2021 from Canadian Centre for Women's Empowerment, November 26, 2021 BE PROCLAIMED as Economic Abuse Awareness Day.

Motion Passed

10. (4.2) Application - Issuance of Proclamation - Light the Night Day for the Leukemia & Lymphoma Society of Canada

Motion made by: M. Cassidy

That based on the application dated August 27, 2021 from the Leukemia & Lymphoma Society of Canada, October 23, 2021 BE PROCLAIMED as Light the Night Day for the Leukemia & Lymphoma Society of Canada.

Motion Passed

11. (5.1) Members of Council Proof of COVID-19 Vaccination Policy (Relates to Bill No. 461)

Motion made by: M. Cassidy

That on the recommendation of the City Clerk, the proposed by-law as appended to the staff report dated September 20, 2021 as Appendix "A" being "A by-law to adopt "Members of Council Proof of COVID-19 Vaccination Policy", BE INTRODUCED at the Municipal Council Meeting to be held on October 5, 2021;

it being noted that the Corporate Services Committee received a communication dated September 16, 2021 from B. Gauld with respect to this matter.

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

Nays: (1): M. van Holst

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (12 to 1)

- 8.6 16th Report of the Corporate Services Committee

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

1. Disclosures of Pecuniary Interest

Motion made by: M. Cassidy

That it BE NOTED that no pecuniary interests were disclosed.

Yeas: (13): 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. Pelozza, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

2. (2.1) Declaration of Vacancy - Office of Councillor, Ward 13

Motion made by: M. Cassidy

That the following actions be taken with respect to the Office of Councillor, Ward 13:

b) the report dated September 27, 2021 entitled "Declaration of Vacancy – Office of Councillor, Ward 13" BE RECEIVED;

it being noted that the Corporate Services Committee received a communication dated September 23, 2021 with respect to the resignation of Ward 13 Councillor, Arielle Kayabaga.

Yeas: (13): 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. Pelozza, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

Motion made by: M. Cassidy

Seconded by: E. Pelozza

That in accordance with section 262 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, the Office of Ward 13 BE DECLARED vacant.

Yeas: (13): 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. Pelozza, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

Clause 2.1, in its entirety, reads as follows:

That the following actions be taken with respect to the Office of Councillor, Ward 13:

a) that in accordance with section 262 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, the Office of Ward 13 BE DECLARED vacant; and,

b) the report dated September 27, 2021 entitled "Declaration of Vacancy – Office of Councillor, Ward 13" BE RECEIVED;

it being noted that the Corporate Services Committee received a communication dated September 23, 2021 with respect to the resignation of Ward 13 Councillor, Arielle Kayabaga.

8.7 13th Report of the Strategic Priorities and Policy Committee

Motion made by: J. Morgan

That items 1 and 2 (2.1) of the 13th Report of the Strategic Priorities and Policy Committee BE APPROVED.

Yeas: (13): 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. Pelozza, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 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. (2.1) Appointment of Councillor E. Pelozza to the Brescia University College Housing and Gender-Based Violence Project 2021

Motion made by: J. Morgan

That the communication dated August 16, 2021 from Councillor E. Pelozza, with respect to her appointment to the Brescia University College Housing and Gender-Based Violence Project 2021, BE RECEIVED.

Motion Passed

3. (4.1) Consideration of Appointment to the London Transit Commission

Motion made by: J. Morgan

That Stephanie Marentette BE APPOINTED to the London Transit Commission for the term ending November 15, 2022;

it being noted that a communication from D. Foster with respect to this matter, was received.

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, and S. Hillier

Nays: (2): M. Cassidy, and S. Turner

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (11 to 2)

4. (5.1) Deferral of Incentive Loan Repayments and Forgiving Interest-Free Loan to London Community Players

At 8:01 PM, his Worship the Mayor places Councillor P. Squire in the Chair.

At 8:04 PM, his Worship the Mayor resumes the Chair.

Motion made by: J. Morgan

That the following actions be taken with respect to the deferral of incentive loan repayments and forgiving interest-free loan to the London Community Players:

a) the Civic Administration BE AUTHORIZED to further extend the deferral period, on Community Improvement Plan loan repayments, on an interest-free basis for a further period of 180 days, being October 2021 to March 2022, where the applicant has requested a further deferral in writing; it being noted that the April 2022 loan repayments will be cashed as planned; and,

b) the Civic Administration BE AUTHORIZED to forgive the remaining balance of the interest-free loan to the London Community Players, in the amount of \$78,749.83.

Motion made by: J. Morgan

The motion to approve part a) is put.

That the following actions be taken with respect to the deferral of incentive loan repayments and forgiving interest-free loan to the London Community Players:

a) the Civic Administration BE AUTHORIZED to further extend the deferral period, on Community Improvement Plan loan repayments, on an interest-free basis for a further period of 180 days, being October 2021 to March 2022, where the applicant has requested a further deferral in writing; it being noted that the April 2022 loan repayments will be cashed as planned; and,

Yeas: (13): 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. Pelozza, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

Motion made by: J. Morgan

Motion to approve part b)

b) the Civic Administration BE AUTHORIZED to forgive the remaining balance of the interest-free loan to the London Community Players, in the amount of \$78,749.83.

Motion made by: M. van Holst

Seconded by: P. Van Meerbergen

That part b) BE REFERRED to the 2023 Budget update budgetary process, when London Community Players can present a business case for forgiveness of the Interest Free Loan from the city.

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

Motion made by: S. Lehman

Seconded by: M. van Holst

That consideration of part b) BE REFERRED to the 2022 Budget update, when London Community Players can present a business case for forgiveness of the Interest Free Loan from the city.

Yeas: (6): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, S. Lehman, and P. Van Meerbergen

Nays: (7): M. Cassidy, P. Squire, J. Morgan, A. Hopkins, S. Turner, E. Pelozza, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Failed (6 to 7)

Motion made by: J. Helmer

Seconded by: S. Lehman

That consideration of part b) BE REFERRED to a future meeting of the appropriate standing committee for consideration.

Amendment: Motion made by: J. Morgan

Seconded by: S. Lehman

That the referral BE AMENDED to add that no payments be applied to the outstanding loan amount, until such time as the matter is considered at a future meeting.

Yeas: (10): Mayor E. Holder, M. van Holst, M. Cassidy, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, and S. Hillier

Nays: (3): S. Lewis, J. Helmer, and P. Squire

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (10 to 3)

Motion made by: J. Morgan

Seconded by: S. Lehman

That the referral motion BE AMENDED to read that no payments be applied to the outstanding loan amount, for a further period of 180 days (October 2021 to March 2022).

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, M. Cassidy, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, and E. Pelozo

Nays: (1): P. Squire

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (11 to 1)

Motion made by: J. Morgan

Seconded by: A. Hopkins

That reconsideration of the amendment to the referral BE APPROVED.

Yeas: (13): 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, and S. Hillier

Absent: (2): M. Salih, and A. Kayabaga

Motion Passed (13 to 0)

At 8:18 PM, Councillor S. Hillier leaves the meeting.

Motion made by: S. Lehman

Seconded by: J. Helmer

Motion to approve the referral, as amended.

Yeas: (12): 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, and E. Pelozo

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

The referral for clause 5.1, relating to the deferral of incentive loan repayments and forgiving interest-free loan to the London Community Players, reads as follows:

That consideration of part b) BE REFERRED to a future meeting of the appropriate standing committee for consideration and no payments be applied to the outstanding loan amount, for a further period of 180 days (October 2021 to March 2022).

8.8 3rd Report of the Audit Committee

Motion made by: J. Helmer

That the 3rd Report of the Audit Committee BE APPROVED.

Yeas: (12): 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, and E. Pelosa

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 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. (4.1) 2020 Hamilton Road Business Improvement Area Board of Management Audited Financial Statements

Motion made by: J. Helmer

That, on the recommendation of the Deputy City Manager, Finance Supports, the staff report dated September 22, 2021 along with Appendix 'A' Financial Statements of Hamilton Road Business Improvement Area Board of Management for the year ending December 31, 2020 BE RECEIVED for information.

Motion Passed

3. (4.2) Observation Summary as at September 10, 2021

Motion made by: J. Helmer

That the communication from Deloitte, regarding the Observation Summary as at September 10, 2021, BE RECEIVED.

Motion Passed

4. (4.3) Internal Audit Dashboard as at September 10, 2021

Motion made by: J. Helmer

That the communication from Deloitte, regarding the internal audit dashboard as at September 10, 2021, BE RECEIVED.

Motion Passed

5. (4.4) Internal Audit Summary Update

Motion made by: J. Helmer

That the communication dated September 22, 2021, from Deloitte, with respect to the internal audit summary update, BE RECEIVED.

Motion Passed

10. Deferred Matters

None.

11. Enquiries

None.

12. Emergent Motions

None.

13. By-laws

Motion made by: P. Van Meerbergen

Seconded by: M. Cassidy

That Introduction and First Reading of Bill No's 452 to 480, excluding Bill No. 461, BE APPROVED.

Yeas: (12): 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, and E. Pelozza

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

Motion made by: A. Hopkins

Seconded by: E. Pelozza

That Second Reading of Bill No's 452 to 480, excluding Bill No. 461, BE APPROVED.

Yeas: (12): 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, and E. Pelozza

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

Motion made by: E. Pelozza

Seconded by: S. Lehman

That Third Reading and Enactment of Bill No's 452 to 480, excluding Bill No. 461, BE APPROVED.

Yeas: (12): 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, and E. Pelosa

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

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

That Introduction and First Reading of Bill No. 461, BE APPROVED.

Yeas: (11): Mayor E. Holder, S. Lewis, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, and E. Pelosa

Nays: (1): M. van Holst

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (11 to 1)

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

That Second Reading of Bill No. 461, BE APPROVED.

Yeas: (11): Mayor E. Holder, S. Lewis, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, and E. Pelosa

Nays: (1): M. van Holst

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (11 to 1)

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

That Third Reading and Enactment of Bill No. 461, BE APPROVED.

Yeas: (11): Mayor E. Holder, S. Lewis, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, and E. Pelosa

Nays: (1): M. van Holst

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (11 to 1)

4. Council, In Closed Session

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

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

4.1 Personal Matters / Identifiable Individual

A personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2022 Mayor's New Year's Honour List.

(6.1/13/PEC)

4.2 Personal Matters / Identifiable Individual

A personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2022 Mayor's New Year's Honour List.

(6.2/13/PEC)

4.3 Litigation / Potential Litigation / Matters Before Administrative Tribunals / Solicitor-Client Privileged Advice

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Local Planning Tribunal ("LPAT"), and for the purpose of providing instructions and directions to officers and employees of the Corporation. (6.3/13/PEC)

4.4 Solicitor-Client Privilege

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding flyer deliveries to residential properties. (6.1/13/CPSC)

4.5 Personal Matters / Identifiable Individuals

A personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2022 Mayor's New Year's Honour List. (6.2/13/CPSC)

4.6 Land Disposition / Solicitor-Client Privileged Advice /Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the disposition 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. (6.1/15/CSC)

4.7 Land Disposition / Solicitor-Client Privileged Advice /Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the disposition 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. (6.2/15/CSC)

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

A matter pertaining to the 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. (6.3/15/CSC)

4.9 Confidential Trade Secret or Scientific, Technical, Commercial, Financial or Labour Relations Information, Supplied to the City / Personal Matters/Identifiable Individual

A matter pertaining to the security of the property of the Corporation as it contains commercial and financial information supplied in confidence to the Corporation, the disclosure of which could be reasonably expected to prejudice significantly the competitive position or interfere significantly with the contractual

or other negotiations of a person, group of persons or organization, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied and result in undue loss or gain to any person, group, committee or financial institution or agency and matters related to the personal information about identifiable individuals, including municipal or local board employees related to the potential provision of internal audit services for the City of London, by an external organization. (6.1/3/AC)

Motion Passed

The Council convenes, In Closed Session, from 8:38 PM to 8:51 PM, with Mayor E. Holder in the Chair and all Members in attendance excluding Councillors M. Salih, A. Kayabaga and S. Hillier.

9. Added Reports

9.1 13th Report of Council in Closed Session

Motion made by: S. Lewis

Seconded by: J. Morgan

1 Amending Agreement to Option Agreement – Bosco and Roxy’s Inc. – Innovation Park, Phase III

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with respect to the recent industrial land sale to Bosco and Roxy’s, under the corporate name 2431712 Ontario Inc., which lands are legally described as Part of Block 2 Plan 33M-627, and further shown as Parts 1 and 3, Plan 33-21017 and whereas pursuant to the terms of the Agreement of Purchase and Sale, a subsequent City Option Agreement (the “Option Agreement”) dated August 4, 2021 was registered on title (attached as Appendix “A”, and in accordance with the City’s Industrial Land Disposition Policy (the “Policy”) attached as Appendix “B”, the Option Agreement Amendment (the “Amending Option Agreement”) attached as Appendix “C”, submitted by 2431712 Ontario Inc. to amend terms of the original Option Agreement to satisfy 2431712 Ontario Inc.’s lender BE ACCEPTED, subject to the terms and conditions as set out in the agreement.

2. Industrial Land Sale – Option Agreement Amendment – Arvin Sango Canada Inc. – Innovation Park, Phase III

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with respect to the City owned industrial land located in Innovation Park, Phase III, containing an area of approximately 10.29 acres, more or less, more specifically described as the northerly 10.29 acres, more or less, of Part 1 of Plan 33R-18098, in the City of London, County of Middlesex Part 1, Plan 33R-18098, as outlined on the sketch attached hereto as Appendix “A”, the Option Agreement Amendment (the “Agreement”), attached as Appendix “B”, submitted by Arvin Sango Canada Inc. (the “Purchaser”) to purchase 10.29 acres of the subject property from the City, at a purchase price of \$723,000.00 reflecting a sale price of \$70,000.00 per acre BE ACCEPTED.

Yeas: (12): 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, and E. Peloz

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

Motion made by: S. Lewis

Seconded by: P. Squire

3. Property Acquisition – 259 Wellington Road – Wellington Gateway Project

That, on the recommendation of the Deputy City Manager, Finance Supports, with the concurrence of the Director, Construction and Infrastructure Services, on the advice of the Director, Realty Services, with respect to the property located at 259 Wellington Road, further described as Part of Lot 64, Plan 452 (4th), designated as Parts 1 and 2, Plan 33R-4765, being all of PIN 08364-0091 (LT), containing an area of approximately 3,788.89 square feet, as shown on the location map attached as Appendix “B”, for the purpose of future road improvements to accommodate the Wellington Gateway Project, the following actions be taken:

a) the offer submitted by Michael Gregory Maguire (the “Vendor”), to sell the subject property to the City, for the sum of \$624,000.00 BE ACCEPTED, subject to the terms and conditions as set out in the agreement attached as Appendix “C”; and,

b) the financing for this acquisition BE APPROVED as set out in the Source of Financing Report attached hereto as Appendix “A”.

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, S. Turner, and E. Peloz

Nays: (1): P. Van Meerbergen

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (11 to 1)

Motion made by: A. Hopkins

That Introduction and First Reading of the Added Bill No.’s 481 and 482, BE APPROVED.

Yeas: (12): 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, and E. Peloz

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

Motion made by: S. Lewis

Seconded by: S. Lehman

That Second Reading of the Bill No. Added Bill No.’s 481 and 482, BE APPROVED.

Yeas: (12): 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, and E. Peloz

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

Motion made by: M. Cassidy

Seconded by: S. Turner

That Third Reading and Enactment of the Bill No. Added Bill No.'s 481 and 482, BE APPROVED.

Yeas: (12): 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, and E. Peloz

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (12 to 0)

Motion made by: A. Hopkins

Seconded by: S. Lewis

That Introduction and First Reading of Added Bill No. 483, BE APPROVED.

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, S. Turner, and E. Peloz

Nays: (1): P. Van Meerbergen

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (11 to 1)

Motion made by: E. Peloz

Seconded by: S. Lewis

That Second Reading of Added Bill No. 483, BE APPROVED.

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, S. Turner, and E. Peloz

Nays: (1): P. Van Meerbergen

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (11 to 1)

Motion made by: A. Hopkins

Seconded by: S. Lewis

That Third Reading and Enactment of Added Bill No. 483, BE APPROVED.

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, S. Turner, and E. Pelosa

Nays: (1): P. Van Meerbergen

Absent: (3): M. Salih, A. Kayabaga, and S. Hillier

Motion Passed (11 to 1)

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

Bill No. 452	By-law No. A.-8166-312 - A by-law to confirm the proceedings of the Council Meeting held on the 5th day of October, 2021. (City Clerk)
Bill No. 453	By-law No. A.-6567(c)-313A by-law to amend By-law No. A.-6567-226 entitled, "A By-law to approve the appointment of City of London representatives to the Joint Venture Management Committee for the 4-Pad Arena Complex located on Western Fair Association (WFA) lands". (2.6a/15/CSC)
Bill No. 454	By-law No. A.-8167-314 - A by-law to approve the Amending Agreement to the Publicly Funded Organization Agreement between The Corporation of the City of London and CompuCom Canada Co; and to authorize the Mayor and City Clerk to execute the Amending Agreement. (2.4b/15/CSC)
Bill No. 455	By-law No. A.-8168-315 – A by-law to approve the appointment of City of London representatives to the Lease Oversight Committee under the ground lease between The Corporation of the City of London and the Western Fair Association. (2.6b/15/CSC)
Bill No. 456	By-law No. A.-8169-316 - A by-law to approve demolition of abandoned building with municipal address of 72 Wellington Street under the Property Standards provisions of the Building Code Act (2.5/13/CPSC)
Bill No. 457	By-law No. A.-8170-317 - A by-law to approve the Statement of Work for mobilINSPECT Enforce between The Corporation of the City of London and Partho Technologies Inc. (2.6/13/CPSC)
Bill No. 458	By-law No. A.-8171-318 - A by-law to approve a Change Order to the Master Services Agreement between Nimble Information Strategies Inc. and The Corporation of the City of London. (2.10b/13/CPSC)
Bill No. 459	By-law No. CPOL.-114(e)-319 - A by-law to amend By-law No. CPOL.-114-366, as amended, being "Flags at City Hall" Policy to provide for that on September 30th of each year the "Every Child Matters Flag" will be flown on the Community Flag Pole to recognize the National Day for Truth and Reconciliation (National Orange Shirt Day) (2.3a/15/CSC)
Bill No. 460	By-law No. CPOL.-127(b)-320 - A by-law to amend By-law No. CPOL.-127-379, as amended, being "Illumination of City of London Buildings and Amenities" Policy to provide for City of London buildings and amenities be lit orange on September 30th of each year to recognize National Day for Truth and Reconciliation (National Orange Shirt Day) (2.3b/15/CSC)
Bill No. 461	By-law No. CPOL.-407-321 - A by-law to adopt "Members of Council Proof of COVID-19 Vaccination Policy". (5.1/15/CSC)

Bill No. 462	By-law No. C.P.-1284(wd)-322 - A by-law to amend the Official Plan for the City of London, 1989 relating to 250-272 Springbank Drive. (3.4a/13/PEC)
Bill No. 463	By-law No. C.P.-1571-323 - A by-law to designate the Argyle Core Area Community Improvement Project Area. (3.5a/13/PEC)
Bill No. 464	By-law No. C.P.-1284(wf)-324 - A by-law to amend the 1989 Official Plan for the City of London relating to the Argyle Core Area Community Improvement Project Area. (3.5c/13/PEC)
Bill No. 465	By-law No. C.P.-1284(wg)-325 - A by-law to amend the Official Plan for the City of London, 1989 relating to 1938 and 1964 Commissioners Road East. (3.2d/14/PEC)
Bill No. 466	By-law No. C.P.-1512(an)-326 - A by-law to amend The London Plan for the City of London, 2016 relating to relating to 250-272 Springbank Drive. (3.4b/13/PEC)
Bill No. 467	By-law No. C.P.-1512(ao)-327 - A by-law to amend The London Plan for the City of London to add the Argyle Core Area Community Improvement Project Area (3.5e/13/PEC)
Bill No. 468	By-law No. C.P.-1512(ap)-328 - A by-law to amend The London Plan for the City of London, 2016 relating to 1938 and 1964 Commissioners Road East. (3.2c/14/PEC)
Bill No. 469	By-law No. C.P.-1569-329 - A by-law to adopt the Argyle Core Area Community Improvement Plan (3.5b/13/PEC)
Bill No. 470	By-law No. C.P.-1570-330 - A by-law to establish financial incentives for the Argyle Core Area Community Improvement Project Area (3.5d/13/PEC)
Bill No. 471	By-law No. L.S.P.-3493-331 - A by-law to authorize and approve an application to expropriate land in the City of London, in the County of Middlesex, for Southdale Road West and Wickerson Road Project. (2.5/15/CSC)
Bill No. 472	By-law No. S.-6140-332 - A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (for the purposes of a public highway for pedestrian use only, southeast of Bakervilla Street; and northwest of Red Thorne Avenue) (Chief Surveyor – for purposes of a public walkway pursuant to the Subdivision Agreement for Registered Plan 33M-709)
Bill No. 473	By-law No. S.-6141-333 - A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Bakervilla Street) (Chief Surveyor - Plan of Subdivision requires a 0.3m Reserve on the abutting Plan, being 33M-709, for unobstructed legal access throughout the Subdivision)
Bill No. 474	By-law No. W.-5678-334 - A by-law to authorize the New Major Open Space Network. (Project PD204318) (2.3/11/CWC)

Bill No. 475	By-law No. W.-5679-335 - A by-law to authorize Project SW6050 - New and Emerging Solid Waste Technologies. (2.15d/11/CWC)
Bill No. 476	By-law No. WM-12-21019 - A by-law to amend the Municipal Waste & Resources Collection By-law WM-12. (2.2/12/CWC)
Bill No. 477	By-law No. Z.-1-212961 - A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 3700 Colonel Talbot Road. (2.2/13/PEC)
Bill No. 478	By-law No. Z.-1-212962 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1154 Sunningdale Road East. (3.2/13/PEC)
Bill No. 479	By-law No. Z.-1-212963 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 250-272 Springbank Drive. (3.4c/13/PEC)
Bill No. 480	By-law No. Z.-1-212964 - A bylaw to amend By-law No. Z.-1 to rezone lands located at 1938 & 1964 Commissioners Road East. (3.2e/14/PEC)
Bill No. 481	By-law No. A.-8172-336 - A by-law to authorize and approve the Amending Option Agreement between the City and 2431712 Ontario Inc. for the lands described as Part of Block 2, Plan 33M627, designated as Parts 1 and 3, Plan 33R21017, in the City of London (the "Lands") and to authorize the Mayor and the City Clerk to execute the Agreement. (6.1/15/CSC)
Bill No. 482	By-law No. A.-8173-337 - A by-law to authorize and approve an Option Agreement Amendment between The Corporation of the City of London and Arvin Sango Canada, Inc., for the option to purchase the City owned industrial land, described as the northerly 10.29 acres, more or less, of Part 1 of Plan 33R-18098 in Innovation Park, Phase III, in the City of London, County of Middlesex and to authorize the Mayor and the City Clerk to execute the Agreement. (6.2/15/CSC)
Bill No. 483	By-law No. A.-8174-338 - A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and Michael Gregory Maguire, for the acquisition of the property located at 259 Wellington Road, in the City of London, for the Wellington Gateway Project, and to authorize the Mayor and the City Clerk to execute the Agreement. (6.3/15/CSC)

14. Adjournment

Motion made by: P. Squire

Seconded by: S. Turner

9:07 PM

Motion Passed

Ed Holder, Mayor

Catharine Saunders, City Clerk

Appendix A – Executed Option Agreement

This Agreement dated as of the ~~1~~⁴ day of August, 2021.

BETWEEN:

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

-and-

2431712 ONTARIO INC. ("2431712")

WHEREAS by Agreement of Purchase and Sale dated March 10th, 2021, the City agreed to sell to and 2431712 agreed to purchase from the City the lands described as Part of Block 2, Plan 33M627, Designated as Parts 1 & 3 on Plan 33R21017; London (the "Lands");

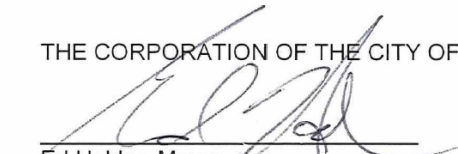
AND WHEREAS pursuant to the terms of the Agreement of Purchase and Sale 2431712 has agreed to be bound by the Policy of the Corporation of the City of London with respect to the sale and/or transfer of City-owned, serviced, industrial land (the "Policy") attached as Schedule "A";

WITNESSETH that in consideration of the sale of the Lands from the City to 2431712 and the sum of \$2.00 paid by 2431712 to the City, the receipt of which is acknowledged and of other good and valuable consideration, 2431712 and the City agree as follows:

1. 2431712 and the City agree that the sale of the Lands is a Class 1 Sale as set out in the Policy.
2. 2431712 agrees that the Policy applies to the Lands and that its ownership and use of the Lands is subject to the Policy. 2431712 covenants and agrees to be bound by and comply with the Policy.
3. 2431712 hereby consents to the City registering a Notice of Option to Purchase on the title to the Lands.
4. Subject to the restrictions on transfer of the Lands, this agreement shall enure to the benefit of and be binding on the parties and their respective successors and assigns.


IN WITNESS WHEREOF the parties have affixed their respective corporate seals, attested by the hands of their respective officers duly authorized in that behalf.

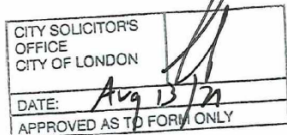
THE CORPORATION OF THE CITY OF LONDON


Ed Holder, Mayor


~~Catherine Saunders, City Clerk~~
Barb Westlake-Power, Deputy City Clerk

2431712 ONTARIO INC.


Name: Jaymie Crook
Title: President
We have authority to bind the corporation



Appendix A – Executed Option Agreement

SCHEDULE "A"
to the Option Agreement
Between
THE CORPORATION OF THE CITY OF LONDON
And
2431712 ONTARIO INC.

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 matters 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 parcel for the purpose of the erection 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 parcel to the City in accordance with Section 18 in 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 percent, 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 parcel 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 parcel 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 Finance and Administration Committee.

Appendix A – Executed Option Agreement

CLASS 2 SALE

8. A class 2 sale is a sale of a parcel 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 parcel.
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 parcel 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 parcel.

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 parcel 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 parcel 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, a parcel 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 percent 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 90 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 a parcel 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 percent of either the original purchase price (exclusive of interest thereon and any extension charges), if the whole parcel is reconveyed, or the portion thereof that is in the same ratio as the area of the reconveyed part is to the whole parcel, 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.

Appendix A – Executed Option Agreement

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 the removal of topsoil from the site if required is the responsibility of the purchaser.

Appendix B – City’s Industrial Land Disposition Policy

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 19 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 19 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 90 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. Planning Act: This Agreement shall be effective to create an interest in the property only if the subdivision control provisions of the Planning Act are complied with.
19. 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.
20. 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.
21. The cost of service connections from the main to the property line is the responsibility of the purchaser.
22. 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.

Appendix C – Amended Option Agreement

AMENDING OPTION AGREEMENT

This Agreement dated the ___ day of _____, 2021.

Between:

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

-and-

2431712 ONTARIO INC.
(hereinafter "2431712")

WHEREAS by Agreement of Purchase and Sale dated March 10th, 2021, the City agreed to sell to and 2431712 purchased from the City the lands described as Part of Block 2, Plan 33M627, Designated as Parts 1 & 3 on Plan 33R21017; London (the "Lands");

AND WHEREAS pursuant to the terms of the Agreement of Purchase and Sale, 2431712 has entered into an Option Agreement dated August 4th, 2021 with the City, wherein the City has been granted an Option to Purchase the Lands under specified terms and conditions (the "Option Agreement");

AND WHEREAS the parties desire to amend the terms and conditions of the Option Agreement to satisfy concerns expressed by 2431712's first mortgage lender, Business Development Bank of Canada ("BDC");

NOW THEREFORE this agreement witnesseth that in consideration of these presents, and in consideration of the payment or payments made or to be made to 2431712 by the City in accordance with the provisions of the agreement, the parties agree that the Option Agreement shall be amended as follows:

1. Paragraph 5 be added to the Option Agreement as follows:

5. Notwithstanding the Policy or any other term of this Agreement, the City's exercise of any right to require reconveyance of the Lands pursuant to the terms of Sections 5(a) or 5(c) of the Policy (the "Option") during the period of time between the commencement of building construction by 2431712 until building completion, as determined by the City, shall be subject to the following additional terms and conditions:

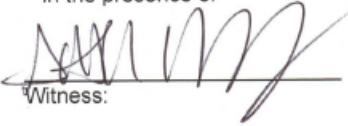
- a) The City shall provide 2431712's first mortgage lender, BDC, 120 days' notice prior to exercising the Option. Notice to BDC shall be provided by mail to BDC's London office, located at 148 Fullarton Street, Suite 1000, London, Ontario;
- b) In the event that either: 1) 2431712 rectifies their default under this Agreement to the satisfaction of the City (as determined by the City's Director of Realty Services, or designate); or 2) BDC initiates power of sale proceedings within the said 120 day period by way of issuance of a valid Notice of Sale pursuant to Section 31 of the *Mortgages Act*, RSO 1990, c.M40., as amended, the City will take no further action to exercise the Option.
- c) If during the 120 day period BDC has initiated power of sale proceedings, the City will then allow BDC to proceed with its power of sale proceedings and sell the Lands under power of sale, provided such sale is completed within 365 days of the City's notice to repurchase originally being provided to BDC. In the event that BDC fails to complete a sale of the Lands within the 365 day period, the City may take steps to exercise the Option without further notice to BDC.
- d) Notwithstanding the above, the City may take steps to repurchase the Lands prior to the time periods stated above with the consent of BDC, in writing.

2. In all other respects the parties confirm the terms and conditions of the Option Agreement which remains in full force and effect except as amended by this Agreement.

IN WITNESS WHEREOF the parties have executed this Agreement as evidenced by their proper signing Officers, this _____ day of _____, 2021.

SIGNED, SEALED & DELIVERED

in the presence of


Witness:

)
) 2431712 ONTARIO INC.
)
) 
) Signature of Signing Officer
) Name: Jaymie Crook
) Title: President
)
)

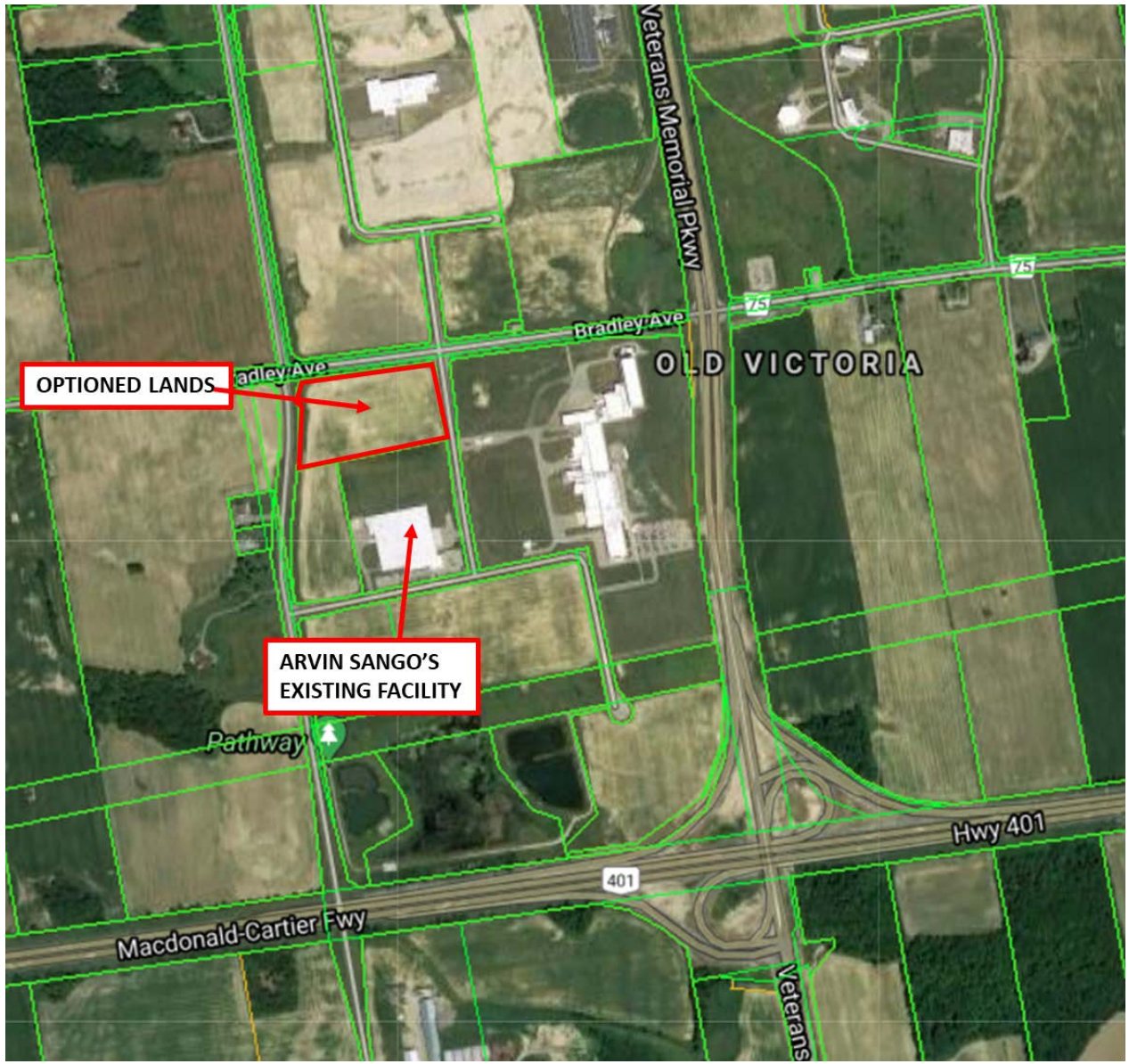
THE CORPORATION OF THE CITY OF LONDON

Ed Holder, Mayor

Catharine Saunders, City Clerk

Appendix A – Aerial Location Map

Location Map



Appendix B – Option Agreement Amendment

OPTION AGREEMENT AMENDMENT

OPTION AGREEMENT
CORPORATION OF THE CITY OF LONDON

PAGE 1

OPTION AGREEMENT AMENDMENT – ARVIN SANGO CANADA INC.

This Option Agreement dated the 4 day of Sept, 2021.

In pursuance of the Short Forms of Conveyances Act (Ontario).

Between:

THE CORPORATION OF THE CITY OF LONDON,
a municipal Corporation incorporated under the laws of Ontario,
hereinafter called "the Optionor"
- OF THE FIRST PART -

and

ARVIN SANGO CANADA INC.
hereinafter called "the Optionee"
- OF THE SECOND PART -

WHEREAS the Optionor is the registered owner of an estate in fee simple in the lands hereinafter referred to;

AND WHEREAS by an agreement (the Option Agreement) dated the 12th day of OCTOBER, 2016 the Optionor granted to the Optionee an Option to Purchase the land described as the northerly 10.29 acres, more or less, of Part 1 of Plan 33R-18098 in Innovation Park, Phase III, in the City of London, County of Middlesex and shown outlined in red on the plan attached hereto as Schedule "A" hereinafter referred to as the Lands on certain terms and conditions;

AND WHEREAS the Optionee has requested an extension to the time within which it can exercise the Option to Purchase;

AND WHEREAS the Optionor has agreed to grant the requested extension to the Optionee on the terms and conditions hereinafter set forth;

AND WHEREAS it is appropriate to amend the Option Agreement to reflect the extension of time and other changes agreed to by the parties:

NOW THEREFORE this agreement witnesseth that in consideration of these presents, and in consideration of the payment or payments made or to be made to the Optionor by the Optionee in accordance with the provisions of the agreement, the parties agree that the Option Agreement shall be amended as follows:

1. Paragraph 1 of the Option Agreement is hereby deleted and replaced with the following:

1. The Optionee shall have the right at any time prior to October 12, 2023, (the "Expiry Date") to deliver a notice to the Optionor specifying a date for completion of the transaction of purchase and sale contemplated hereby. The date for completion ("Closing") specified in such notice from the Optionee to the Optionor shall be no less than 30 days and no more than 60 days after the date of such notice. If the Optionee does not give such a notice prior to the Expiry Date then this Agreement shall terminate and neither the Optionor nor the Optionee shall have any further obligations hereunder.

2. Paragraph 2 of the Option Agreement is hereby deleted and replaced by the following:

2. The purchase price for the Lands shall be Seven Hundred and Twenty Thousand Three Hundred Dollars (\$720,300.00), representing \$70,000.00 per acre. The purchase price shall be paid by cash, bank draft or certified cheque of lawful money of Canada as follows:

(a) Two Dollars (\$2.00) to be paid within ten (10) days of the date of execution of this agreement by the Optionee as a non-refundable deposit on account of the purchase price, the receipt of which is hereby acknowledged by the OPTIONOR;

Appendix B – Option Agreement Amendment Cont'd

- (b) a further deposit of Seventy Two Thousand and Thirty Dollars (\$72,030.00) (10% of purchase price) to be paid on account of the purchase price by the Optionee upon delivery of the notice referred to in paragraph 1 of this agreement;
- (c) the balance of the purchase price shall be paid by the Optionee on Closing, less the amount of deposits made under paragraphs 2(a) and 2(b) of this agreement.

3. Schedule "D" attached hereto be added to the Option Agreement.

4. The following be added to Paragraph 3 of the Option Agreement:

In the event the Optionee exercises its right to purchase the Lands, the City reserves the right to register on title upon closing an easement for the purposes of accessing and maintaining the current Innovation Park sign, which location is highlighted in red and shown on Schedule "D" (the "Sign Easement"), in perpetuity and for nominal consideration (\$2.00). The cost for the survey and registration of the Sign Easement shall be the responsibility of the Optionor. The form of agreement shall be mutually agreed to between both parties.

5. Paragraph 4 of the Option Agreement is hereby deleted and replaced by the following:

The Optionor covenants, represents and warrants that title to the Lands is, and on Closing will be, good and free from all encumbrances, except as provided in this Agreement. If prior to Closing any valid objection to title or to the fact that the proposed use of the Lands by the Optionee may not lawfully be undertaken is made in writing to the Optionor and which the Optionor is unable or unwilling to remove, remedy or satisfy and which the Optionee will not waive, this agreement, notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and, notwithstanding the provisions of paragraph 2 of this agreement, all monies therefore paid shall be returned to the Optionee without interest or deduction and the Optionor shall not be liable for any costs or damages.

6. Paragraph 13 of the Option Agreement is hereby deleted and replaced by the following:

Schedules "B", "C" and "D" attached hereto form part of this Agreement.

7. In all other respects the parties confirm the terms and conditions of the Option Agreement which remains in full force and effect except as amended by this Agreement.

IN WITNESS WHEREOF the parties have executed this Agreement as evidenced by their proper signing Officers.

this 9 day of Sept., 2021.

SIGNED, SEALED & DELIVERED

in the presence of

Julie Brannon
Witness:

Ang Messer
Witness:

)
) **ARVIN SANGO CANADA INC.**
)
) Scott Hubbard
)
) Signature of Signing Officer
) Name: Scott Hubbard
) Title: Executive Vice President
)
) Kevin Orrill
)
) Signature of Signing Officer
) Name: Kevin Orrill
) Title: Vice President
)
) I/We have authority to bind the Corporation

Appendix B – Option Agreement Amendment Cont'd

OPTION AGREEMENT
CORPORATION OF THE CITY OF LONDON

PAGE 3

THE CORPORATION OF THE CITY OF LONDON

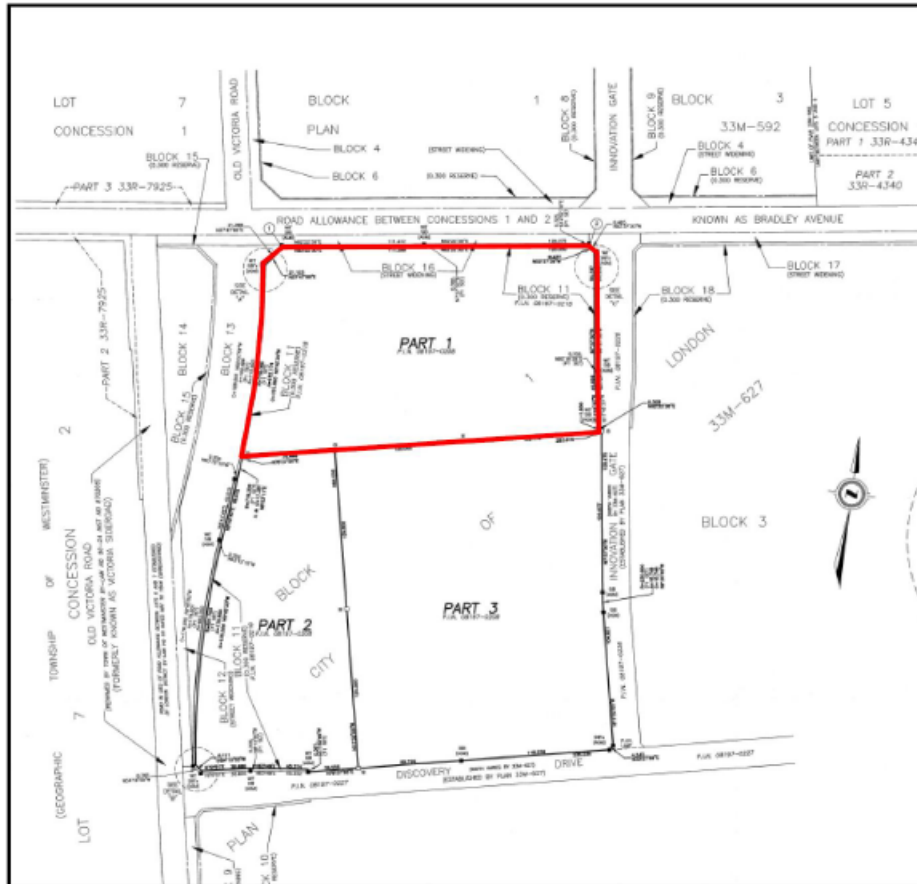
Ed Holder, Mayor

Catharine Saunders, City Clerk

Appendix B – Option Agreement Amendment Cont'd

Schedule "A"

PART 1 OF PLAN 33R-18098 (10.29 acres)



Appendix B – Option Agreement Amendment Cont'd

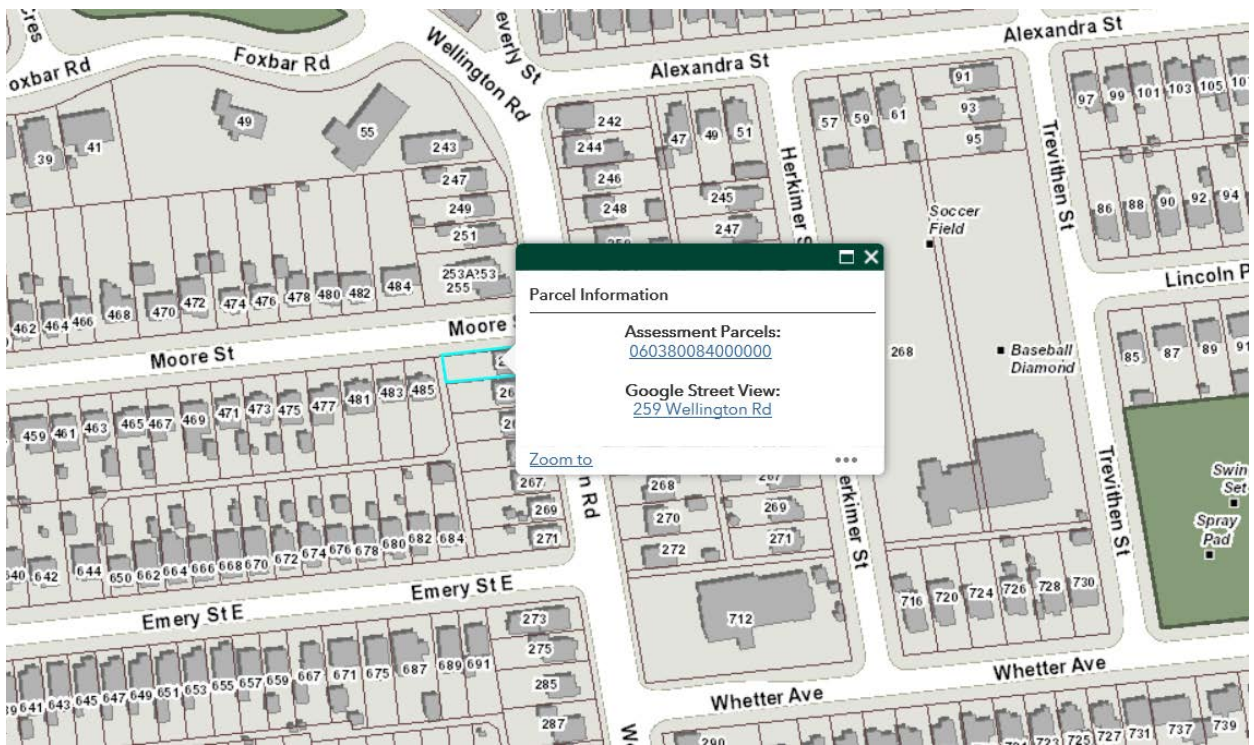
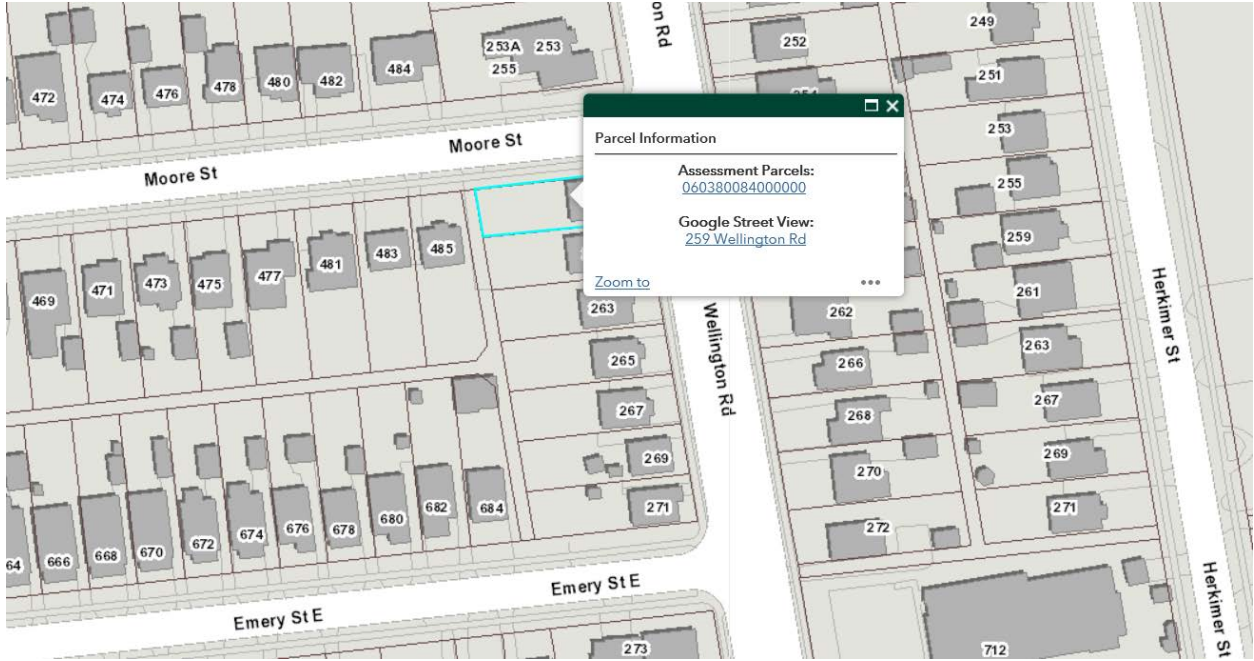
Schedule "D"
THE SIGN EASEMENT



Subject to Final Survey

Appendix B – Location Map

259 Wellington Road



Appendix C – Agreement of Purchase and Sale

AGREEMENT OF PURCHASE AND SALE

PURCHASER: THE CORPORATION OF THE CITY OF LONDON

VENDOR: MICHAEL GREGORY MAGUIRE

REAL PROPERTY:

Address 259 Wellington Road, London, ON N6C 4N7

Location East side of Wellington Road, South of Moore Street

Measurements approximately 351.99 m²/ 3,788.89 ft²

Legal Description: Part of Lots 64, Plan 452 (4th), designated as Parts 1 and 2, Plan 33R-4765, in the City of London, County of Middlesex, being all of PIN 08364-0091 (LT), the ("Property").

1. **OFFER TO PURCHASE:** The Purchaser agrees to purchase the Property from the Vendor in accordance with the terms and conditions as set out in this Agreement.
2. **SALE PRICE:** The purchase price shall be SIX HUNDRED AND TWENTY-FOUR THOUSAND DOLLARS CDN (\$624,000.00) payable as follows:
 - a) a deposit of Two Dollars (\$2.00) cash or cheque on the date hereof as a deposit; and
 - b) the balance of the sale price, subject to adjustments, in cash or by cheque on completion of this Agreement.
3. **ADJUSTMENTS:** Any unearned fire insurance premiums, rents, mortgage interest, realty taxes including local improvements rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to the Purchaser.
4. **SCHEDULE(S):** The following Schedule(s) form(s) part of this Agreement:

Schedule "A" Additional Terms and Conditions
5. **IRREVOCABILITY:** This Offer shall be irrevocable by the Vendor until considered by the Council of the Corporation of the City of London at a meeting to be held no later than **October 8th, 2021**, after which date, if not accepted by Council, this Offer shall be null and void and the deposit shall be returned to the Purchaser in full without interest or deduction.
6. **TITLE SEARCH:** The Purchaser shall be allowed until 4:30 p.m. on **October 22nd, 2021**, (Requisition Date) to examine the title to the Property and at its own expense and to satisfy itself that there are no outstanding work orders or deficiency notices affecting the Property, that its present use may be lawfully continued and that the principal building may be insured against risk of fire.
7. **COMPLETION DATE:** This Agreement shall be completed by no later than 4:30 p.m. on **January 7th, 2022**. Upon completion, vacant possession of the Property shall be given to the Purchaser unless otherwise provided for in this Agreement.
8. **NOTICES:** Any notice relating to or provided for in this Agreement shall be in writing.
9. **HST:** If this transaction is subject to Harmonized Sales Tax (HST) then such HST shall be in addition to and not included in the sale price, and HST shall be collected and remitted in accordance with applicable legislation. If this transaction is not subject to HST, the Vendor agrees to provide, on or before completion, to the Purchaser's solicitor, a certificate in a form satisfactory to the Purchaser's solicitor certifying that the transaction is not subject to HST.
10. **FUTURE USE:** Vendor and the Purchaser agree that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement.
11. **TITLE:** Provided that the title to the Property is good and free from all restrictions and encumbrances, except as otherwise specifically provided in this Agreement. If within the specified times referred to in paragraph 6 any valid objection to title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to the Vendor and which Vendor is unable or unwilling to remove, remedy or satisfy and which the Purchaser will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and any deposit paid shall be returned without interest or deduction and the Vendor shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, the Purchaser shall be conclusively deemed to have accepted Vendor's title to the Property.
12. **DOCUMENTS AND DISCHARGE:** The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title to the Property except such as are in the possession or control of Vendor. If

requested by the Purchaser, Vendor will deliver any sketch or survey of the Property within Vendor's control to the Purchaser as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by the Purchaser on completion, is not available in registerable form on completion, the Purchaser agrees to accept Vendor's lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registerable form and to register same on title within a reasonable period of time after completion, provided that on or before completion Vendor shall provide to the Purchaser a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by Vendor directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on completion.

13. **DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registerable form at the expense of the Vendor.
14. **RESIDENCY:** The Purchaser shall be credited towards the Purchase Price with the amount, if any, necessary for the Purchaser to pay to the Minister of National Revenue to satisfy the Purchaser's liability in respect of tax payable by Vendor under the non-resident provisions of the Income Tax Act by reason of this sale. The Purchaser shall not claim such credit if Vendor delivers on completion the prescribed certificate or a statutory declaration that Vendor is not a non-resident of Canada.
15. **TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Vendor and the Purchaser or their respective lawyers who are hereby specifically authorized in that regard.
16. **TENDER:** Any tender of documents or money hereunder may be made upon Vendor or the Purchaser or their respective solicitors on the day set for completion. Money may be tendered by bank draft or cheque by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.
17. **FAMILY LAW ACT:** Vendor warrants that spousal consent is not necessary to this transaction under the provisions of the *Family Law Act*, R.S.O. 1990 unless Vendor's spouse has executed the consent provided.
18. **PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if the subdivision control provisions of the Planning Act are complied with.
19. **CLOSING ARRANGEMENTS:** Where each of the Vendor and Purchaser retain a lawyer to complete the Agreement of Purchase and Sale of the property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O. , Chapter L4, and any amendments thereto, the Vendor and Purchaser acknowledge and agree that the delivery of documents and the release thereof to the Vendor and Purchaser may, at the lawyer's discretion: (a) not occur contemporaneously with the registration of the Transfer/Deed (and other registerable documentation) and (b) be subject to conditions whereby the lawyer receiving documents and/or money will be required to hold them in trust and not release them except in accordance with the terms of a written agreement between the lawyers..
20. **AGREEMENT IN WRITING:** This Agreement, including any Schedule attached, shall constitute the entire Agreement between the Purchaser and Vendor. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. This Agreement shall be read with all changes of gender or number required by the context.
21. **SUCCESSORS AND ASSIGNS:** The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein.

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

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

THE CORPORATION OF THE CITY OF LONDON

Ed Holder, Mayor

Catharine Saunders, City Clerk

GIVEN UNDER MY/OUR HAND AND SEAL, (OR, IN WITNESS WHEREOF THE VENDOR HERETO HAS HEREUNTO CAUSED TO BE AFFIXED ITS CORPORATE SEAL ATTESTED BY THE HANDS OF ITS PROPER SIGNING OFFICERS, as the case may be) this 17 day of Aug, 2024

SIGNED, SEALED AND DELIVERED
In the Presence of

Per: 

Name: MICHAEL GREGORY MAGUIRE

Title: _____

VENDOR'S LAWYER: _____

PURCHASER'S LAWYER: Sachit Tatavarti, Solicitor, 519-661-2489 (CITY) Ext. 4709 Fax: 519-661-0082

SCHEDULE "A" Additional Terms and Conditions

1. **LEGAL COSTS:** As set out in Section 32 of the *Expropriations Act* the City agrees to pay the Owner reasonable legal and appraisal costs, including fees, disbursements and applicable taxes, to complete this transaction, subject to assessment, if necessary.
2. **INSURANCE:** All buildings on the Property and all other things being purchased shall be and remain until completion at the risk of the Vendor. Pending completion, the Vendor shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, the Purchaser may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion.
3. **STATEMENT OF ADJUSTMENTS:** The Vendor shall provide the Purchaser with the Statement of Adjustments and fully executed copies of any further final and irrevocable directions and re-directions regarding payment of the balance of the Purchase Price (as defined in Section 2 of this Agreement) as the Vendor may require (collectively, the "Direction re: Funds"), by no later than 4:00 p.m. on the 6th business day that precedes the Closing Date (as defined in Section 7 of this Agreement or otherwise agreed upon by the parties), failing which, at the sole option of the Purchaser, the Closing Date may be extended to a date up to ten (10) business days after the Purchaser's receipt of the Direction re: Funds.
4. **RIGHT OF INSPECTION:** The Purchaser or an agent of the Purchaser shall be entitled to enter and inspect the property including all dwellings and buildings prior to the closing of this Agreement.
5. **REPLACEMENT PROPERTY:** The Purchaser agrees to pay reasonable legal and other non-recoverable expenditures incurred in acquiring a similar replacement property, providing a claim is made within one year of the date of possession. The Vendor shall be responsible to apply to the Ministry of Finance for any eligible reduction to the payment of the Land Transfer Tax for the purchase of the replacement property, in accordance with Section 1(2) of the *Land Transfer Tax Act, RSO 1990, cL6*, and such amounts shall not be recoverable under this clause. This condition shall survive and not merge upon the completion of this Agreement.
6. **SECTION 18 OF THE EXPROPRIATIONS ACT:** Pursuant to section 18 of the *Expropriations Act* the Purchaser shall pay to the Vendor an allowance of five per cent of the compensation payable in respect of the market value of the lands herein, being \$31,000.00, prior to completion of this transaction.
7. **SECTION 20 OF THE EXPROPRIATIONS ACT:** With respect to any prepayment of mortgage, the Purchaser agrees to pay compensation for any bonus legally payable and for any loss incurred by reason of a difference in interest rates upon completion as set out in section 20 of the *Expropriations Act*.
8. **ADJUSTMENTS:** The parties agree that notwithstanding Section 3 of this Agreement, realty taxes, including local improvement rates, and utilities shall be adjusted effective **January 7th, 2022**.
9. **LEASE CONDITION:** This offer is conditional upon the Purchaser and Vendor entering into a commercial lease to continue the existing use of the Property for a term of one (1) year, on or before **January 7th, 2022**. If, within that time, the parties are unable to finalize and execute a lease agreement to their mutual satisfaction, this Agreement notwithstanding any intermediate acts or negotiations, 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. This condition is for the benefit of both the Vendor and Purchaser and shall only be waived on the consent of both parties.

Appendix A – Source of Financing Report

Appendix "A"
Confidential

#21164

September 20, 2021
(Property Acquisition)

Chair and Members
Corporate Services Committee

RE:Property Acquisition, 259 Wellington Road
Wellington Gateway Project
(Subledger LD180059)
Capital Project RT1430-1B - Wellington Gateway - Land Rapid Transit
Michael Gregory Maguire

Finance Supports Report on the Sources of Financing:

Finance Supports confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Budget, and that, subject to the approval of the Deputy City Manager, Finance Supports, with the concurrence of the Director, Construction and Infrastructure Services, on the advice of the Director, Realty Services, the detailed source of financing for this purchase is:

Estimated Expenditures	Approved Budget	Committed To Date	This Submission	Balance for Future Work
Land Acquisition	11,059,900	7,462,831	680,571	2,916,498
Total Expenditures	\$11,059,900	\$7,462,831	\$680,571	\$2,916,498

Sources of Financing

Capital Levy	1,157,204	780,841	71,209	305,154
Drawdown from City Services - Roads Reserve Fund (Development Charges) (Note 1)	9,902,696	6,681,990	609,362	2,611,344
Total Financing	\$11,059,900	\$7,462,831	\$680,571	\$2,916,498

Financial Note:

Purchase Cost	\$624,000
Add: Legal Fees etc.	36,000
Add: Land Transfer Tax	8,955
Add: HST @13%	85,800
Less: HST Rebate	<u>-74,184</u>
Total Purchase Cost	\$680,571

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



Jason Davies
Manager of Financial Planning & Policy

HB