



London
CANADA

Council Minutes

2nd Meeting of City Council
December 21, 2021, 4:00 PM

Present: Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, S. Hillier

Also Present: M. Schulthess, K. van Lammeren

Remote Attendance: L. Livingstone, A. Anderson, A. Barbon, G. Barrett, B. Card, S. Corman, J. Davison, K. Dickins, O. Katolyk, G. Kotsifas, J.P. McGonigle, K. Murray, K. Scherr, C. Smith, B. Warner, B. Westlake-Power

The meeting is called to order at 4:02 PM; it being noted that all members, except Mayor E. Holder, were in remote attendance.

1. Disclosures of Pecuniary Interest

Councillor M. Salih discloses a pecuniary interest in item 4, clause 2.2 of the 1st Report of the Community and Protective Services Committee, having to do with an Agreement for London and Middlesex Local Immigration Partnership with Immigration, Refugees and Citizenship Canada, by indicating that he is an employee of the Federal Government.

Councillor S. Turner discloses a pecuniary interest in items 10, 11 and 12, of the 1st Report of the Strategic Priorities and Policy Committee, specific to clauses 4.8, 4.9 and 4.10, with respect to any direct connection(s) to the London Public Library (LPL), by indicating that his wife is an LPL employee.

Councillor J. Helmer discloses a pecuniary interest specific to items 10 and 11, of the 1st Report of the Strategic Priorities and Policy Committee, specific to clauses 4.8 and 4.9 with respect to any direct connection(s) to the municipal golf system by indicating that his father employed by golf course owners association of which the City of London is a member.

Councillor P. Van Meerbergen discloses a pecuniary interest in the 1st Report of the Strategic Priorities and Policy Committee, specific to budget items related to childcare by indicated that his wife owns/operates a childcare business.

Councillor M. Hamou discloses a pecuniary interest with respect to item 6.1, having to do with a communication from York Development, and items 22 (3.9) and 25 (4.3) of the Planning Environment Committee, having to do with York Development, by indicating that a relative is involved with the project. Councillor M. Hamou further discloses a pecuniary interest in item 19 (3.6) of the 1st Report of the Planning and Environment Committee, having to do with an application at 978 Gainsborough Road, by indicating that she has worked on the project.

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 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: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

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

Motion made by: J. Fyfe-Millar
Seconded by: M. Hamou

That the Minutes of the 1st Meeting held on December 7, 2021, BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

6. Communications and Petitions

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

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

6.1 Environmental Management Guidelines

1. York Developments

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

Recuse: (1): M. Hamou

Motion Passed (14 to 0)

Motion made by: P. Van Meerbergen
Seconded by: J. Fyfe-Millar

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

6.2 Public Notice Policy Amendment

1. B. Benedict and AM. Valastro

2. AM. Valastro

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

7. Motions of Which Notice is Given

None.

8. Reports

8.1 1st Report of the Civic Works Committee

Motion made by: E. Pelozo

That the 1st Report of the Civic Works Committee BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

1. (1.1) Disclosures of Pecuniary Interest

Motion made by: E. Pelozo

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (1.2) Election of Vice-Chair for the term ending November 14, 2022

Motion made by: E. Pelozo

That Councillor J. Fyfe-Millar BE ELECTED Vice-Chair of the Civic Works Committee for the term ending November 14, 2022.

Motion Passed

3. (2.1) 10th Report of the Transportation Advisory Committee

Motion made by: E. Pelozo

That the 10th Report of the Transportation Advisory Committee, from its meeting held on November 30, 2021, BE RECEIVED.

Motion Passed

4. (2.3) Highbury Avenue South Rehabilitation Project

Motion made by: E. Pelozo

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated December 14, 2021, related to the appointment of a Consulting Engineering for the Highbury Avenue South Rehabilitation Project from the Wenige Expressway Bridge to Highway 401:

- a) Parsons Inc. BE APPOINTED Consulting Engineers to update and complete the detailed design, and provide assistance with the tendering for the rehabilitation of Highbury Avenue South (Wenige Expressway Bridge to Highway 401) in the amount of \$284,178.00, excluding HST, in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;
- b) the financing for this appointment BE APPROVED as set out

in the Sources of Financing Report as appended to the above-noted staff report;

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

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 MTO or utility agreements, if required, to give effect to these recommendations. (2021-T08)

Motion Passed

5. (2.2) Supply and Delivery of Transit Signal Priority and Emergency Vehicle Preemption System

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 December 14, 2021, related to RFP21-08 Transit Signal Priority and Emergency Vehicle Preemption System:

a) Applied Information Inc. BE AWARDED the contract to supply and deliver intersection detection systems in the amount of \$1,791,375.50, excluding HST, in accordance with Section 12.2 (b) of the City of London's Procurement of Goods and Services Policy;

b) the financing for this project BE APPROVED in accordance with the Sources of Financing Report as appended to the above-noted staff report;

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

d) the approvals given herein BE CONDITIONAL upon the Corporation entering into a formal contract with the Contractor for the work; and,

e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2021-P16/F05A)

Motion Passed

6. (2.4) Unwanted Water: Quantifying Inflow and Infiltration in London's Wastewater Sewer System

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the staff report dated December 14, 2021, with respect to the impacts of the City's unwanted water issues BE RECEIVED for information. (2021-E03)

Motion Passed

7. (4.1) A Conceptual Framework for Regional Transportation in London

Motion made by: E. Pelosa

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 December 14, 2021, related to regional transportation in Southwestern Ontario:

- a) the conceptual framework for regional transportation as presented in the above-noted staff report BE ENDORSED; and,
- b) the Civic Administration BE AUTHORIZED to use the conceptual framework as a basis for discussions with the Province of Ontario and municipalities to advance provincial participation in regional transportation in Southwestern Ontario;

it being noted that the staff presentation and a communication from R. Chambers, SCOR EDC, with respect to this matter, were received. (2021-T10)

Motion Passed

8. (5.1) Deferred Matters List

Motion made by: E. Pelosa

That the Civic Works Committee Deferred Matters List as at December 6, 2021, BE RECEIVED.

Motion Passed

- 8.2 1st Report of the Planning and Environment Committee

Motion made by: A. Hopkins

That the 1st Report of the Planning and Environment Committee BE APPROVED, excluding items 19 (3.6), 22 (3.9) and 25 (4.3).

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelosa, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

1. (1.1) Disclosures of Pecuniary Interest

Motion made by: A. Hopkins

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (1.2) Election of Vice Chair for the Term ending November 14, 2022

Motion made by: A. Hopkins

That Councillor S. Lehman BE ELECTED as Vice-Chair for the term ending November 14, 2022.

Motion Passed

3. (2.1) 355 Middleton Avenue (H-9363) (Relates to Bill No. 52)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Sifton Properties Ltd., relating to the property located at 355 Middleton Avenue, the proposed by-law appended to the staff report dated December 13, 2021 BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential Special Provision R5 (h*h-100*h-198*R5-4(23)) and a Holding Residential Special Provision R6 (h*h-100*h-198*R6-5(51)) Zone TO a Residential Special Provision R5 (R5-4(23)) and a Residential Special Provision R6 (R6-5(51)) to remove the h, h-100 and h-198 holding provisions. (2021-D09)

Motion Passed

4. (2.2) 890 Upperpoint Avenue (H-9392) (Relates to Bill No. 53)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Sifton Properties Ltd., relating to the property located at 890 Upperpoint Avenue, the proposed by-law appended to the staff report dated December 13, 2021 BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R1 (h*R1-4) Zone TO a Residential R1 (R1-4) Zone. (2021-D09)

Motion Passed

5. (2.3) 890 Upperpoint Avenue (P-9358)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Sifton Properties Ltd., to exempt Block 141, Plan 33M-754 and Block 42, Plan 33M-810 from Part-Lot Control:

- a) pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, the proposed by-law appended to the staff report dated December 13, 2021 BE INTRODUCED at a future Council meeting, to exempt Block 141, Plan 33M-754 and Block 42, Plan 33M-810 from the Part-Lot Control provisions of subsection 50(5) of the said Act; it being noted that these lands are subject to registered subdivision agreements and are zoned Holding Residential R1 (h*R1-4) in Zoning By-law No. Z.-1, which permits single detached dwellings;
- b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Block 141, Plan 33M-754 and Block 42, Plan 33M-810 as noted in clause a) above:
 - i) the applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City

Policy;

- ii) the applicant submit a draft reference plan to the Planning and Development for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
- iii) the applicant submits to the City a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
- iv) the applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v) the applicant submit to the Deputy City Manager, Environment and Infrastructure or designate for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- vi) the applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vii) the applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii) the applicant shall obtain confirmation from the City that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix) the applicant shall obtain approval from the City of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x) the applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi) the applicant shall obtain clearance from the Deputy City Manager, Environment and Infrastructure that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question. (2021-D25)

Motion Passed

6. (2.4) 1478 Westdel Bourne (H-9411) (Relates to Bill No. 54)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Stantec Consulting c/o Amelia Sloan, relating to lands located at 1478 Westdel Bourne, the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council

meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan,) to change the zoning of the subject lands FROM a Holding Residential R6/R8 Special Provision (h-54•h-209•R6-5(77)/R8-4(64)) Zone TO a Residential R6/R8 Special Provision (R6-5(77)/R8-4(64)) Zone to remove the holding (h-54 and h-209) provisions. (2021-D09)

Motion Passed

7. (2.5) 1235 Fanshawe Park Road West (H-9287) (Relates to Bill No. 55)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Calloway REIT (Fox Hollow) Inc., relating to lands located at 1235 Fanshawe Park Road West, the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R8 Special Provision (h-147•R8-4(39)) Zone and a Holding Residential R8 Special Provision/Associated Shopping Area Commercial Special Provision (h-147•R8-4(40)/ASA3(10)/ASA6(4)/ASA8(5)) Zone TO a Residential R8 Special Provision (R8-4(39)) Zone and a Residential R8 Special Provision/Associated Shopping Area Commercial Special Provision (R8-4(40)/ASA3(10)/ASA6(4)/ASA8(5)) Zone to remove the holding (h-147) provision. (2021-D09)

Motion Passed

8. (2.7) 1225 Hyde Park Road (H-9419) (Relates to Bill No. 56)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Economic Development, based on the application by Motivity Land Incorporated, relating to the property located at 1225 Hyde Park Road, the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Restricted Service Commercial RSC1, RSC3, and RSC5 (h-17•RSC1/RSC3/RSC5) Zone TO a Restricted Service Commercial RSC1, RSC3, and RSC5 (RSC1/RSC3/RSC5) Zone. (2021-D09)

Motion Passed

9. (2.8) 1150 Byron Baseline Road (H-9424) (Relates to Bill No. 57)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Economic Development, based on the application by 2186121 Ontario Incorporated, relating to the property located at 1150 Byron

Baseline Road, the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R5-7 Special Provision (h-5*h-183*R5-7(12)) Zone TO a Residential R5-7 Special Provision (R5-7(12)) Zone. (2021-D09)

Motion Passed

10. (2.9) 613 Superior Drive (33M-680)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Economic Development, 2047790 Ontario Inc., the owner of the potential school site located on the south side of Superior Drive, north of Sunningdale Road East, municipally know as 613 Superior Drive and legally described as Block 103 on Registered Plan 33M-641, BE ADVISED that the City has no interest in acquiring the said property for municipal purposes. (2021-D09/S13)

Motion Passed

11. (2.10) 59 Albion Street (HAP21-79-L)

Motion made by: A. Hopkins

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval for the use of the NUVO Iron railing system on the front porch of the heritage designated property at 59 Albion Street within the Blackfriars/Petersville Heritage Conservation District, BE APPROVED with the following terms and conditions:

- a) any future repair, alterations, or replacement to the railing system require the implementation of the squared wooden spindles approved through HAP21-018-D. (2021-R01)

Motion Passed

12. (2.11) October, 2021 Building Division Monthly Report

Motion made by: A. Hopkins

That the Building Division Monthly Report for October, 2021 BE RECEIVED for information. (2021-A23)

Motion Passed

13. (2.6) Transit-Oriented Secondary Plan Prioritization

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the Transit-Oriented Secondary Plan Priority Areas,

appended to the staff report dated December 13, 2021 as Appendix "A", BE ENDORSED. (2021-D09)

Motion Passed

14. (3.1) 876 Wellington Road (Z-9380) (Relates to Bill No. 58)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by 1985798 Ontario Inc., relating to the property located at 876 Wellington Road:

a) the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, (The London Plan, 2016) and the Official Plan for the City of London (1989)), to change the zoning of the subject property FROM a Highway Service Commercial Special Provision (HS(1)) Zone TO a Highway Service Commercial Special Provision (HS(_)) Zone; and,

b) pursuant to Section 34(17) of the Planning Act R.S.O. 1990, c.P.13, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-law as the change in parking is minor in nature, the existing conditions plan circulated in the Notice of Application and Notice of Revised Application and Notice of Public Meeting accurately reflect the existing condition of the site, and no development or site alteration is proposed;

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;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Rapid Transit Corridor Place Type;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Auto-Oriented Commercial Corridor designation; and,
- the recommended amendment would facilitate reuse of the existing building with a use that is appropriate for the context of the site. (2021-D09)

Motion Passed

15. (3.2) 4270 Lismer Lane (Z-9494) (Relates to Bill No. 59)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Goldfield Limited, relating to the property located at 4270 Lismer Lane, the proposed by-law appended to the staff report dated December 13, 2021 as

Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Holding Residential R8 (h*h-100*h-104*h-198*R8-4) Zone, TO an Holding Residential R5 Special Provision and R8 (h*h-100*h-104*h-198*R5-7(__)/R8-4 Zone;

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

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

- the recommended zoning by-law amendment is consistent with the Provincial Policy Statement;
- the recommended zoning conforms to the in-force policies of The London Plan, including, but not limited to, the Neighbourhood Place Type, City Building and Design, Our Tools, and all other applicable London Plan policies;
- the recommended zoning conforms to the policies of the 1989 Official Plan, including, but not limited to, the Multi-Family, Medium Density Residential designation; and,
- the zoning will permit development that is considered appropriate and compatible with the existing and future land uses surrounding the subject lands. (2021-D09)

Motion Passed

16. (3.3) 1955 Jim Hebb Way (Z-9382) (Relates to Bill No. 60)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, based on the application by Foxwood Developments (London) Inc., relating to the lands located at 1955 Jim Hebb Way, the proposed by-law appended to the Planning and Environment Committee Added Agenda as Appendix 'A' BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R5/R6 (h*h-54*h-71*h-100*R5-6/R6-5) Zone, and a Holding Residential R6/R9 (h-54•R6-5/R9-3•H20) Zone TO a Holding Residential Special Provision R5/R6 (h*h-54*h-71*h-100*R5-6(__))/R6-5 Zone.

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

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

- the recommended zoning amendment is consistent with the Provincial Policy Statement (PPS), 2020, as it promotes efficient development and land use patterns; accommodates an appropriate range and mix of land uses, housing types, and densities to meet projected needs of current and future residents; and minimizes land consumption and servicing costs;
- the recommended zoning amendment 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 recommended zoning amendment permits a use, form and intensity of residential development that conforms to the in-force policies of the (1989) Official Plan, including but not limited to the Multi-Family, Medium Density Residential designations;
 - the recommended zoning amendment will allow for a reduced front yard depth of main building on Henrica Avenue, a reduced exterior side yard setback of to the main building on Dyer Drive & Jim Hebb Way and reduced yard encroachments to patio projection from the street line;
 - the subject development block is of a size and shape suitable to accommodate the proposal. The recommended zoning amendment provides appropriate regulations to control the use and intensity of the building and ensure a well-designed development with appropriate mitigation measures; and,
 - the proposed uses, form, and intensity are considered appropriate and compatible with existing residential development in the surrounding neighbourhood. (2021-D09)

Motion Passed

17. (3.4) 506 Oxford Street East (OZ-9397) (Relates to Bill No.'s 43 and 61)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Sidhu McDowall Medicine Professional Corporation, relating to the property located at 506 Oxford Street East:

- a) the proposed by-law appended to the staff report dated December 13, 2021, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend the 1989 Official Plan to ADD a new policy to Section 10.1.3 – "Policies for Specific Areas" to a pharmacy on the subject lands; and,
- b) the proposed by-law appended to the staff report dated December 13, 2021, as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in part a) above), to change the zoning of the subject property FROM a Residential R3/Office Conversion (R3-1/OC5) Zone TO a Residential R3/Office Conversion Special Provision (R3-1/OC5(*)) Zone;

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

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

- the recommended amendments are consistent with the Provincial Policy Statement (PPS), 2020, for mixed use development within transit supportive areas;
- the recommended amendment conforms to the in-force policies of The London Plan, including the Key Directions and the Urban Corridor Place Type; and,
- the recommended amendment conforms with the 1989 Official

Plan, including permitting convenience commercial in mixed use areas and the criteria for specific area policies. (2021-D09)

Motion Passed

18. (3.5) 1408 Ernest Avenue (Z-9385) (Relates to Bill No. 62)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning & Development, based on the application by Paner House Inc., relating to the property located at 1408 Ernest Avenue, the proposed by-law appended to the staff report dated December 13, 2021, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Restricted Office (RO2) Zone TO a Residential R8 Special Provision (R8-4()) Zone;

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

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the *Neighbourhood Place Type policies;
- 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;
- the recommended amendment would facilitate reuse of the existing building with a use that is appropriate for the context of the site; and,
- the subject lands represent an appropriate location for intensification in the form of an apartment building, at an intensity that is appropriate for the site and surrounding area. (2021-D09)

Motion Passed

20. (3.7) 414-418 Old Wonderland Road (SPA20-103)

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Four Fourteen Inc., relating to the property located at 414-418 Old Wonderland Road:

- a) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Site Plan Approval to facilitate the construction of the proposed residential development; and,

b) the Approval Authority BE ADVISED that the Municipal Council has no issues with respect to the Site Plan Application, and that the Municipal Council supports the Site Plan Application;

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

it being further 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 Site Plan, as proposed, is consistent with the Provincial Policy Statement, 2020, as it provides for development within an existing settlement area and provides for an appropriate range of residential uses within the neighbourhood;
- the proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan;
- the proposed Site Plan conforms to the Multi-family, Medium Density Residential designation of the 1989 Official Plan;
- the proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law; and,
- the proposed Site Plan meets the requirements of the Site Plan Control By-law. (2021-D09)

Motion Passed

21. (3.8) Environmental Management Guidelines (Relates to Bill No. 41)

That Item 21, clause 3.8, BE AMENDED by adding the following new part c):

"c) the bi-annual review as outlined in the Environmental Management Guidelines BE ADDED to the planning and Environment Committee Deferred Matters List:"

Motion made by: A. Hopkins

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the Environmental Management Guidelines Update:

- a) the Environmental Management Guidelines appended to the staff report dated December 13, 2021 as Appendix 1 to Appendix "A", BE ADOPTED as a Municipal Guideline Document; and,
- b) the proposed by-law appended to the staff report dated December 13, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to adopt the Environmental Management Guidelines, appended to the staff report dated December 13, 2021, in accordance with London Plan policy 1713;

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

- a communication dated December 2, 2021, from S. Franke, Executive Director, London Environmental Network;

- a communication dated December 2, 2021, from J. Hanbuch, The Urban League of London;
- a communication dated December 6, 2021, from B. Samuels, Member, Environmental and Ecological Planning Advisory Committee; Coordinator, London Bird Team and PhD Candidate, Department of Biology, The University of Western Ontario;
- a communication dated December 4, 2021, from D. Wake, Nature London; and,
- a communication dated December 9, 2021, from M. Wallace, Executive Director, London Development Institute;

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-D03)

Motion Passed

23. (4.1) 1st Report of the Advisory Committee on the Environment

Motion made by: A. Hopkins

That, the following actions be taken with respect to the 10th report of the Advisory Committee on the Environment, from its meeting held on December 1, 2021:

a) the following comments, from the Advisory Committee on the Environment (ACE), BE FORWARDED to the Municipal Council through the Planning and Environment Committee for consideration, with respect to the Wharnccliffe Road South Expansion and 100 Stanley Street Relocation:

- the ACE recommends that the Wharnccliffe Road South Improvements project explore every possible avenue to avoid road widening to provide more traffic lanes for motor vehicles; it being noted that there are a number of alternative methods that provide better traffic flow and improved options outside of driving one's own personal vehicle (public transit, cycling, walking, etc.) and making this stretch the first of many projects to turn a stroad into proper transportation infrastructure;
- the ACE recommends that the Civic Administration be directed by Municipal Council to revisit the issue of moving the property located at 100 Stanley Street and to find a way to move the house across the street; and,
- the ACE encourages that, as we are in a climate crisis and have declared a climate emergency ourselves, means we must do everything possible to mitigate negative environmental impacts, for example demolishing homes and making room for more motor vehicles, is the exact antitheses to this declaration; and,

b) clauses 1.1, 2.1 and 2.2, inclusive, 3.1, 5.1, 5.3 and 5.4, inclusive, BE RECEIVED for information.

Motion Passed

24. (4.2) 9th Report of the Trees and Forests Advisory Committee

Motion made by: A. Hopkins

That the 9th Report of the Trees and Forests Advisory Committee, from its meeting held on November 24, 2021 BE RECEIVED for information.

Motion Passed

26. (5.1) Deferred Matters List

Motion made by: A. Hopkins

That the Deputy City Manager, Planning and Economic Development BE DIRECTED to provide current information related to the items on the Deferred Matters List to the Committee Clerk in order to update the List.

Motion Passed

27. (5.2) 1st Report of the London Advisory Committee on Heritage

Motion made by: A. Hopkins

That, the following actions be taken with respect to the 1st Report of the London Advisory Committee on Heritage, from its meeting held on December 8, 2021:

a) on the recommendation of the Deputy City Manager, Planning and Economic Development, with the advice of the Heritage Planner, the demolition request for the heritage designated property located at 50 King Street, located in the Downtown Heritage Conservation District, BE PERMITTED pursuant to Section 42(1) of the Ontario Heritage Act subject to the following terms and conditions:

- prior to any demolition, photographic documentations and measured drawings of the existing building at 50 King Street be completed by the property owner and submitted to the satisfaction of the Director of Planning and Development;
- prior to any demolition, a demolition plan shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development demonstrating how the heritage attributes of adjacent cultural heritage resources are conserved, mitigating any potential direct or indirect adverse impacts, and implementing the recommendations of the Cultural Heritage Impact Assessment submitted as part of the demolition request, it being noted that should an area(s) identified as requiring further archaeological assessment be included within the work area for the demolition of the existing building at 50 King Street, further archaeological assessment shall be required;
- prior to any demolition, a landscape plan shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development identifying work required to create a grass lawn on the property as an interim condition until any future redevelopment; no additional commercial and/or accessory parking will be permitted on the property as an interim use prior to the redevelopment of the property; the landscape plan should identify the cost of the work for the purpose of calculating a landscape security;
- a security for landscape be taken to ensure the condition above is implemented within an appropriate timeframe;
- prior to demolition, the plaques commemorating the opening of the Middlesex Municipal Building in 1959 and 50 King Street in

1986 be salvaged by the property owner; and,

- efforts to commemorate the Middlesex Municipal Building and the Court House Block be addressed through any future Heritage Impact Assessment required for the site and integrated into any landscape plans for the broader site;

it being noted that a separate Heritage Impact Assessment will be required as part of a future planning application for the property and Heritage Alteration Permit approval will be required before the issuance of a Building Permit;

it being further noted that the site is an important cultural heritage landscape and should continue to be part of an institutional and public realm landscape in the Downtown Heritage Conservation District;

b) on the recommendation of the Deputy City Manager, Planning and Economic Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval for the use of the NUVO Iron railing system on the front porch of the heritage designated property located at 59 Albion Street, within the Blackfriars/Petersville Heritage Conservation District, BE APPROVED with the following term and condition:

- any future repair, alterations, or replacement to the railing system require the implementation of the squared wooden spindles approved through HAP21-018-D;

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

c) clauses 1.1, 2.1 to 2.4 inclusive, 3.1, 4.3, 4.4 and 5.1 BE RECEIVED for information.

Motion Passed

19. (3.6) 978 Gainsborough Road (Z-9247)

Motion made by: A. Hopkins

That items 19, 22 and 25, BE APPROVED.

19. (3.6) 978 Gainsborough Road (Z-9247)

That the application by Highland Communities Limited, relating to the property located at 978 Gainsborough Road BE REFERRED back to the Civic Administration for further consideration; it being pointed out that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- the staff presentation;
- a communication dated December 8, 2021 from H. Froussios, Senior Associate, Zelinka Priamo Ltd.; and,
- a communication dated December 6, 2021 from M. Niglas;

it being further 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)

22. (3.9) 50 King Street – Demolition Request

That, on the recommendation of the Deputy City Manager, Planning and Economic Development with the advice of the Heritage Planner, the demolition request for the heritage designated property at 50 King Street, located in the Downtown Heritage Conservation District, BE PERMITTED pursuant to Section 42(1) of the Ontario Heritage Act subject to the following terms and conditions:

- a) prior to any demolition, photographic documentations and measured drawings of the existing building at 50 King Street be completed by the property owner and submitted to the satisfaction of the Director, Planning and Development.
- b) prior to any demolition, a demolition plan shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development demonstrating how the heritage attributes of adjacent cultural heritage resources are conserved, mitigating any potential direct or indirect adverse impacts, and implementing the recommendations of the Cultural Heritage Impact Assessment submitted as part of the demolition request, it being noted that should an area(s) identified as requiring further archaeological assessment be included within the work area for the demolition of the existing building at 50 King Street, further archaeological assessment shall be required;
- c) prior to any demolition, a landscape plan shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development identifying work required to create a grass lawn on the property as an interim condition until any future redevelopment. No additional commercial and/or accessory parking will be permitted on the property as an interim use prior to the redevelopment of the property. The landscape plan should identify the cost of the work for the purpose of calculating a landscape security;
- d) a security for landscape be taken to ensure condition c) is implemented within an appropriate timeframe;
- e) prior to demolition, the plaques commemorating the opening of the Middlesex Municipal Building in 1959 and 50 King Street in 1986 be salvaged by the property owner; and,
- f) efforts to commemorate the Middlesex Municipal Building and the Court House Block be addressed through any future Heritage Impact Assessment required for the site and integrated into any landscape plans for the broader site;

it being noted that a separate Heritage Impact Assessment will be required as part of a future planning application for the property and Heritage Alteration Permit approval will be required before the issuance of a Building Permit;

it being pointed out that the Planning and Environment Committee reviewed and received a communication dated December 8, 2021, from K. McKeating, President, Architectural Conservancy of Ontario, London Region, with respect to this matter;

it being further 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-R01/P10D)

25. (4.3) Request for Council Resolution, under Section 45(1.4) of Planning Act, R.S.O. 1990, c.P.13-1919-1929 Oxford Street West

That, the following actions be taken with respect to the property located at 1919-1929 Oxford Street West:

a) on the recommendation of the City Clerk, the report dated December 13, 2021 and entitled "Request for Council Resolution, under section 45(1.4) of the Planning Act, 1990, c. P.13 - 1919-1929 Oxford Street West" BE RECEIVED for information; and,

b) the request to accept a Minor Variance application relating to the property located at 1919-1929 Oxford Street West BE APPROVED. (2021-D13)

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

Recuse: (1): M. Hamou

Motion Passed (14 to 0)

8.3 1st Report of the Community and Protective Services Committee

Motion made by: M. Cassidy

That the 1st Report of the Community and Protective Services Committee BE APPROVED, excluding Item 4 (2.2).

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

1. (1.1) Disclosures of Pecuniary Interest

Motion made by: M. Cassidy

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (1.2) Election of Vice-Chair for the term ending November 14, 2022

Motion made by: M. Cassidy

That Councillor J. Helmer BE ELECTED Vice-Chair of the Community and Protective Services Committee for the term ending November 14, 2022.

Motion Passed

3. (2.1) 9th Report of the Accessibility Advisory Committee

Motion made by: M. Cassidy

That the 9th Report of the Accessibility Advisory Committee, from the meeting held on November 25, 2021, BE RECEIVED

Motion Passed

5. (2.3) Administrative Monetary Penalties - Application to Municipal By-laws and Housekeeping Amendments (Relates to Bill No's. 42, 44, 45, 46 and 47)

Motion made by: M. Cassidy

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 December 14, 2021, related to Administrative Monetary Penalties – Application to Municipal By-laws and Housekeeping Amendments:

- a) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend By-law A-54, as amended, for the purpose of applying the Administrative Monetary Penalties System By-law to various municipal by-laws;
- b) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend By-law PS-112, referred to as the Off-Street Residential Parking By-law, to add a new section in Part 6;
- c) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend By-law PH-15, referred to as the Idling Control By-law, to add a new section in Part 4;
- d) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend By-law C.P.-1555-252, referred to as the Tree Protection By-law, to add a new section in Part 14; and,
- e) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to amend By-law CP-22, referred to as the Boulevard Tree Protection By-law, to add a new section in Part 9. (2021-C01)

Motion Passed

6. (2.4) Single Source (SS21-49) Reaching Home Capital Projects (Relates to Bill No. 40)

Motion made by: M. Cassidy

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 December 14, 2021, related to Single Source (SS21-49) Reaching Home Capital Projects:

- a) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021, to:
 - i) authorize and approve the standard form Reaching Home: Canada's Homelessness Strategy Sub-Project Funding Agreement, to be entered into between the City of London and such entities who have been selected for funding for their sub-projects in accordance with the City's funding Agreement with Canada,

substantially in the form appended to the above-noted by-law;

ii) delegate authority, jointly and severally, to the Deputy City Manager, Social and Health Development, and their written designates, the discretionary power to insert the applicable required information in the above-noted Sub-Project Funding Agreement;

iii) delegate discretionary power to the Deputy City Manager, Social and Health Development, to approve the above-noted Agreement with the details inserted in subparagraph 2(a), and execute agreements which employ this form on the condition that the exercise of such powers is consistent with the Reaching Home: Canada's Homelessness Strategy guidelines and applicable agreements with Canada, and that the exercise of such powers does not require additional funding or is provided for in the City's current budget, and that does not increase the indebtedness or contingent liabilities of the City, subject to prior review and approval by the Manager of Risk Management;

iv) delegate discretionary power to the Deputy City Manager, Social and Health Development, and their written designates, jointly and severally, to authorize and approve such further and other documents, including amending agreements, that may be required in furtherance of the City of London's agreements with organizations that are consistent with the Reaching Home: Canada's Homelessness Strategy guidelines and applicable agreements with Canada and requirements contained in the standard form Sub-Project Funding Agreement approved in the above-noted by-law, and that do not require additional funding or are provided for in the City's current budget, and that do not increase the indebtedness or contingent liabilities of the City, subject to prior review and approval by the Manager of Risk Management; and,

v) delegate authority to the Deputy City Manager, Social and Health Development to execute such documents, including the above-noted amendments agreements;

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

c) the approval given, herein, BE CONDITIONAL upon The Corporation of the City of London entering into and/or amending Purchase of Service Agreements and/or Contribution Agreement with Agencies outlined in the above-noted staff report; and,

d) the Overview of Reaching Home Capital Project Funding Allocations, as appended to the above-noted staff report, BE RECEIVED. (2021-S11/F11A)

Motion Passed

7. (2.5) Housing Stability Services - Housing Stability Bank Single Source Procurement SS21-48

Motion made by: M. Cassidy

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 December 14, 2021, related to Housing Stability Services - Housing Stability Bank Single Source Procurement SS21-48:

- a) for Housing Stability Bank services, a funding agreement extension BE APPROVED for the existing Purchase of Service Agreement with The Salvation Army at a total estimated amount of \$450,000 (excluding HST), effective as of December 22, 2021 to March 31, 2022, as per The Corporation of the City of London Procurement Policy Section 14.4.d;

- b) the Civic Administration BE AUTHORIZED to undertake all administrative acts necessary to wind down the current Housing Stability Bank, including transitioning client interest free loan program to a grant program for the period of January 1, 2022 to March 31, 2022; and,
- c) the approval given, herein, BE CONDITIONAL upon The Corporation of the City of London entering into and/or amending a Purchase of Service Agreement with The Salvation Army Centre of Hope. (2021-S11)

Motion Passed

8. (5.1) Deferred Matters List

Motion made by: M. Cassidy

That the Deferred Matters List for the Community and Protective Services Committee, as at December 6, 2021, BE RECEIVED.

Motion Passed

4. (2.2) Agreement for London and Middlesex Local Immigration Partnership with Immigration, Refugees and Citizenship Canada (Relates to Bill No. 39)

Motion made by: M. Cassidy

That, on the recommendation of the City Manager, the proposed by-law as appended to the staff report, dated December 14, 2021, with respect to an Agreement for London and Middlesex Local Immigration Partnership with Immigration, Refugees and Citizenship Canada, BE INTRODUCED at the Municipal Council meeting to be held on December 21, 2021 to:

- a) authorize and approve the Contribution Agreement for the London and Middlesex Local Immigration Partnership between Her Majesty the Queen in Right of Canada, as represented by the Minister of Immigration, Refugees and Citizenship Canada and The Corporation of the City of London, substantially in the form appended to the above-noted by-law;
- b) authorize the Mayor and the City Clerk to execute the above-noted Contribution Agreement for the London and Middlesex Local Immigration Partnership;
- c) delegate authority to the City Manager, or written designates, to approve and execute any further amendments to the London and Middlesex Local Immigration Partnership Contribution Agreement if the amendments are substantially in the form of the above-note Contribution Agreement; and,
- d) delegate authority to the City Manager, or written designates, to undertake all the administrative, financial and reporting acts, including signing authority regarding application forms for funding, budgets, cash flows, other financial reporting including financial claims and directions, consents and other authorizations as may be required, provided that the monetary amounts do not exceed the maximum amount of Canada's contribution specified in the Contribution Agreement that are necessary in connection with the above-noted Contribution Agreement. (2021-S15)

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Recuse: (1): M. Salih

Motion Passed (14 to 0)

8.4 1st Report of the Corporate Services Committee

Motion made by: S. Lewis

That the 1st Report of the Corporate Services Committee BE APPROVED, excluding items 2 (1.2) and 4 (4.1).

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

1. (1.1) Disclosures of Pecuniary Interest

Motion made by: S. Lewis

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

3. (2.1) Restricted Acts of Council After Nomination Day and Voting Day

Motion made by: S. Lewis

That, on the recommendation of the City Clerk, the staff report with respect to restricted acts of Council after Nomination Day and Voting Day, in accordance with section 275 of the Municipal Act, 2001, as amended, BE RECEIVED for information.

Motion Passed

5. (5.1) 2021 Accessibility Compliance Report

Motion made by: S. Lewis

That, on the recommendation of the Director, Anti-Racism and Anti-Oppression, and the concurrence of the City Manager, the staff report dated December 13, 2021 regarding the 2021 Accessibility Compliance Report BE RECEIVED for information purposes.

Motion Passed

2. (1.2) Election of Vice Chair for the term ending November 14, 2022

Motion made by: S. Lewis

That Councillor J. Fyfe-Millar BE APPOINTED Vice Chair for the term ending November 14, 2022.

Yeas: (1): J. Morgan

Nays: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Failed (1 to 14)

Motion made by: J. Fyfe-Millar

Seconded by: S. Hillier

That Councillor M. Hamou BE APPOINTED Vice Chair for the term ending November 14, 2022.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

4. (4.1) Delegation Request - B. Benedict - Public Notice Amendment

Motion made by: S. Lewis

That the communication from AM Valastro and the delegation from B. Benedict, with respect to an amendment to the public notice policy, BE RECEIVED; it being noted that the original delegation request from AM Valastro was withdrawn.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

8.5 1st Report of the Strategic Priorities and Policies Committee

Motion made by: E. Pelozza

That the following clauses of the 1st Report of the Strategic Priorities and Policy Committee BE APPROVED: items 1, 2, 4, 8, 9 and 12 to 20.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: E. Pelozza

Councillor S. Turner discloses a pecuniary interest specific to items 4.8, 4.9 and 4.10, with respect to any direct connection(s) to the

London Public Library (LPL), by indicating that his wife is an LPL employee.

Councillor J. Helmer discloses a pecuniary interest specific to items 4.8 and 4.9 with respect to any direct connection(s) to the municipal golf system by indicating that his father employed by golf course owners association of which the City of London is a member.

Motion Passed

2. (3.1) 2022 Annual Budget Update Presentation

Motion made by: E. Pelosa

That the overview presentation, as appended to the added agenda, by the Deputy City Manager, Finance Supports with respect to the 2022 Budget Update BE RECEIVED.

Motion Passed

4. (4.2) 2021 Middlesex-London Health Unit Funding Request

Motion made by: E. Pelosa

That the 2021 Middlesex-London Health Unit additional funding request in the amount of \$640,233 BE RECEIVED and no action be taken with respect to the request; it being noted that the Strategic Priorities and Policy Committee received a verbal update from K. Murray, noting that the request was no longer required.

Motion Passed

8. (4.6) Debt Overview

Motion made by: E. Pelosa

That the Debt Overview BE RECEIVED for information.

Motion Passed

9. (4.7) Reconciliation of the Draft Property Tax Budget to the Public Sector Accounting Board Budget

Motion made by: E. Pelosa

That the reconciliation of the draft Property Tax Budget to the Public Sector Accounting Board financial statement budget BE RECEIVED for information.

Motion Passed

12. (4.10) By-laws Regarding Tax Levy, Operating and Capital Budgets

Motion made by: E. Pelosa

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

Motion Passed

13. (4.11) Review of Water Budget Amendments (2022-2023 totals rounded to the closest \$1,000)

Motion made by: E. Pelosa

That the following actions be taken with respect to the 2022 Annual Water Budget Update:

- a) Case #W-1 - Schedule Changes for Water Lifecycle Renewal Projects - Operating Expenditure \$0; Operating Revenue \$0; Capital Expenditure \$0 BE APPROVED; and,
- b) Case #W-2 - Schedule Changes for Water Growth Projects - Operating Expenditure \$0; Operating Revenue \$0; Capital Expenditure \$0 BE APPROVED.

Motion Passed

14. (4.12) Water Reserves/Reserve Funds Overview

Motion made by: E. Pelosa

That the Water Reserves/Reserve Funds Overview for the 2020 to 2023 Multi-Year Budget BE RECEIVED for information.

Motion Passed

15. (4.13) Reconciliation of the Draft Water Budget to the Public Sector Accounting Board Budget

Motion made by: E. Pelosa

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

Motion Passed

16. (4.14) Water Services

Motion made by: E. Pelosa

That, in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the 2022 to 2023 operating budgets and 2022 to 2023 capital budgets and associated forecasts for Water Services:

- a) the amended 2022 operating budget for Water Services BE READOPTED in the gross expenditure amount of \$90,530,000 and gross revenue amount of \$90,530,000;
- b) the amended 2023 operating budget for Water Services BE READOPTED in the gross expenditure amount of \$93,695,000 and gross revenue amount of \$93,695,000;

c) the amended 2022 capital budget for Water Services BE READOPTED in the amount of \$34,654,000;

d) the amended 2023 capital budget for Water Services BE READOPTED in the amount of \$84,508,000; and,

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

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

Motion Passed

17. (4.15) Review of Wastewater and Treatment Budget Amendments (2022-2023 totals rounded to the closest \$1,000)

Motion made by: E. Pelosa

That the following actions be taken with respect to the 2022 Annual Wastewater and Treatment Budget Update:

a) Case #WWT-1 - Reduce Energy Budget at Greenway Wastewater Treatment Plant and Create Dedicated Program for Sewage By-pass and Overflow Elimination - Operating Expenditure \$0; Operating Revenue \$0; Capital Expenditure \$1,417,000 BE APPROVED.

Motion Passed

18. (4.16) Wastewater and Treatment Reserves/Reserve Funds Overview

Motion made by: E. Pelosa

That the Wastewater and Treatment Reserves/Reserve Funds Overview for the 2020 to 2023 Multi-Year Budget BE RECEIVED for information

Motion Passed

19. (4.17) Reconciliation of the Draft Wastewater and Treatment Budget to the Public Sector Accounting Board Budget

Motion made by: E. Pelosa

That the reconciliation of the draft Wastewater and Treatment Budget to the Public Sector Accounting Board financial statement budget BE RECEIVED for information.

Motion Passed

20. (4.18) Wastewater and Treatment Services

Motion made by: E. Pelosa

That in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the 2022 to 2023 operating budgets and 2022 to 2023 capital budgets and associated forecasts for Wastewater and Treatment Services:

- a) the amended 2022 operating budget for Wastewater and Treatment Services BE READOPTED in the gross expenditure amount of \$113,668,000 and gross revenue amount of \$113,668,000;
- b) the amended 2023 operating budget for Wastewater and Treatment Services BE READOPTED in the gross expenditure amount of \$117,544,000 and gross revenue amount of \$117,544,000;
- c) the amended 2022 capital budget for Wastewater and Treatment Services BE READOPTED in the amount of \$98,873,000;
- d) the amended 2023 capital budget for Wastewater and Treatment Services BE READOPTED in the amount of \$96,168,000; and,
- e) the amended 2024 to 2029 capital forecast for Wastewater and Treatment Services BE APPROVED in principle in the amount of \$606,551,000;

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

Motion Passed

3. (4.1) Review of Recommended Property Tax Operating Budget Amendments (2022-2023 totals rounded to the closest \$1,000)

Motion made by: E. Pelosa

That the following actions be taken with respect to the 2022 Annual Budget Update:

- a) Case #P-1 - Various Services - Budget Right Sizing - Operating Expenditure (\$4,982,000); Tax Levy (\$6,994,000) BE APPROVED;
- b) Case #P-2 - Middlesex London Health Unit - Inflationary Pressures - Operating Expenditure \$1,280,000; Tax Levy \$1,280,000 BE APPROVED;
- c) Case #P-3 - RBC Place London - Funding Support - Operating Expenditure \$850,000; Tax Levy \$0 BE APPROVED;
- d) Case #P-4 - Private Parking Enforcement - Increased Fines - Operating Expenditure \$0; Tax Levy (\$200,000) BE APPROVED;
- e) Case #P-5 - Child Care and Ontario Works - Reduction in Required Investment - Operating Expenditure (\$2,773,000); Tax Levy (\$2,773,000) BE APPROVED; and,
- f) Case #P-6 - Infrastructure Gap and Community Building Projects - Reductions - Operating Expenditure (\$1,300,000); Tax Levy (\$1,300,000) BE APPROVED.

Motion made by: E. Peloz

That the following actions be taken with respect to the 2022 Annual Budget Update:

a) Case #P-1 - Various Services - Budget Right Sizing - Operating Expenditure (\$4,982,000); Tax Levy (\$6,994,000) BE APPROVED;

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloz, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

Motion made by: E. Peloz

b) Case #P-2 - Middlesex London Health Unit - Inflationary Pressures - Operating Expenditure \$1,280,000; Tax Levy \$1,280,000 BE APPROVED;

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloz, and J. Fyfe-Millar

Nays: (1): S. Hillier

Motion Passed (14 to 1)

Motion made by: E. Peloz

c) Case #P-3 - RBC Place London - Funding Support - Operating Expenditure \$850,000; Tax Levy \$0 BE APPROVED;

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloz, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

Motion made by: E. Peloz

d) Case #P-4 - Private Parking Enforcement - Increased Fines - Operating Expenditure \$0; Tax Levy (\$200,000) BE APPROVED;

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloz, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

Motion made by: E. Peloz

e) Case #P-5 - Child Care and Ontario Works - Reduction in Required Investment - Operating Expenditure
Case #P-5a – Child Care - Operating Expenditure (\$1,630,000);
Tax Levy (\$1,630,000)

Yeas: (12): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Pelozo, J. Fyfe-Millar, and S. Hillier

Nays: (2): J. Helmer, and S. Turner

Recuse: (1): P. Van Meerbergen

Motion Passed (12 to 2)

Motion made by: E. Pelozo

Case #P-5B - Ontario Works (\$1,143,000)

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozo, J. Fyfe-Millar, and S. Hillier

Nays: (1): S. Turner

Motion Passed (14 to 1)

Motion made by: E. Pelozo

f) Case #P-6 - Infrastructure Gap and Community Building Projects - Reductions - Operating Expenditure (\$1,300,000); Tax Levy (\$1,300,000) BE APPROVED.

Yeas: (9): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Hamou, J. Morgan, S. Lehman, P. Van Meerbergen, and J. Fyfe-Millar

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

Motion Passed (9 to 6)

5. (4.3) Review of Consideration Property Tax Operating Budget Amendments (2022-2023 totals rounded to the closest \$1,000)

Motion made by: E. Pelozo

That the following actions be taken with respect to the 2022 Annual Budget Update:

- a) Case #P-7 - Neighbourhood Strategic Initiatives and Funding and Sports Services - Reduction to Neighbourhood and Athletic Travel Grant Programs - Operating Expenditure (\$200,000); Tax Levy (\$200,000)
 - i. Case #P-7a – Neighbourhood Decision Making Program - NOT SUPPORTED
 - ii. Case #P-7b – Neighbourhood Small Events Fund - NOT SUPPORTED
 - iii. Case #P-7c – Athletic Travel Grants - Operating Expenditure (\$200,000); Tax Levy (\$200,000); and,

b) Case #P-8 - Parks Planning and Design, Parks and Horticulture and Urban Forestry - Naturalization and Reduction in Tree Trimming - Operating Expenditure (\$516,000); Tax Levy (\$516,000) BE APPROVED.

Motion made by: E. Pelosa

That the following actions be taken with respect to the 2022 Annual Budget Update:

a) Case #P-7 - Neighbourhood Strategic Initiatives and Funding and Sports Services - Reduction to Neighbourhood and Athletic Travel Grant Programs - Operating Expenditure (\$200,000); Tax Levy (\$200,000)

i. Case #P-7a – Neighbourhood Decision Making Program - NOT SUPPORTED

ii. Case #P-7b – Neighbourhood Small Events Fund - NOT SUPPORTED

iii. Case #P-7c – Athletic Travel Grants - Operating Expenditure (\$200,000); Tax Levy (\$200,000); and

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelosa, J. Fyfe-Millar, and S. Hillier

Nays: (1): S. Turner

Motion Passed (14 to 1)

Motion made by: E. Pelosa

b) Case #P-8 - Parks Planning and Design, Parks and Horticulture and Urban Forestry - Naturalization and Reduction in Tree Trimming - Operating Expenditure (\$516,000); Tax Levy (\$516,000) BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelosa, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

6. (4.4) Review of Recommended Property Tax Capital Budget Amendments (2022-2023 totals rounded to the closest \$1,000)

Motion made by: E. Pelosa

That the following actions be taken with respect to the 2022 Annual Budget Update:

a) Case #P-9 - Invasive Species Management - Capital - Capital Expenditure \$750,000; Tax Levy \$0 BE APPROVED;

b) Case #P-10 - Transportation - Capital Project Adjustments - Capital Expenditure \$9,191,000; Tax Levy \$0 BE APPROVED;

c) Case #P-11 - Long-term Disposal Capacity - Revised Costs - Capital Expenditure \$1,720,000; Tax Levy \$0 BE APPROVED; and,

d) Case #P-12 - LTC - Zero Emission Buses - Capital Expenditure \$25,960,000; Tax Levy \$0 BE APPROVED.

Motion made by: E. Peloz

That the following actions be taken with respect to the 2022 Annual Budget Update:

a) Case #P-9 - Invasive Species Management - Capital - Capital Expenditure \$750,000; Tax Levy \$0 BE APPROVED;

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloz, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

Motion made by: E. Peloz

b) Case #P-10 - Transportation - Capital Project Adjustments - Capital Expenditure \$9,191,000; Tax Levy \$0 BE APPROVED;

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloz, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

Motion made by: E. Peloz

c) Case #P-11 - Long-term Disposal Capacity - Revised Costs - Capital Expenditure \$1,720,000; Tax Levy \$0 BE APPROVED; and,

d) Case #P-12 - LTC - Zero Emission Buses - Capital Expenditure \$25,960,000; Tax Levy \$0 BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloz, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

7. (4.5) Reserves and Reserve Funds Overview

Motion made by: E. Peloz

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

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

That Item 7, clause 4.5, BE AMENDED by adding the following new part b):

"b) the Civic Administration BE DIRECTED to consult with the Upper Thames River Conservation Authority with respect to the potential need and ability to facilitate additional monitoring of ESAs,

and report back to the appropriate committee in the first quarter of 2022."

Yeas: (11): M. van Holst, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozza, and S. Hillier

Nays: (4): Mayor E. Holder, S. Lewis, P. Van Meerbergen, and J. Fyfe-Millar

Motion Passed (11 to 4)

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

Approve clause 4.5 as amended.

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

Nays: (1): S. Lewis

Motion Passed (14 to 1)

10. (4.8) Operating Budget

Motion made by: E. Pelozza

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

a) the amended 2022 operating budget BE READOPTED in the gross expenditure amounts as follows:

i. the amended 2022 operating budget for London Public Library BE APPROVED in the gross expenditure amount of \$21,741,937 and the tax levy amount of \$21,741,937;

ii. the amended 2022 operating budget for Children's Services BE APPROVED in the gross expenditure amount of \$58,666,453 and the tax levy amount of \$7,145,081;

iii. the amended 2022 operating budget for Golf BE APPROVED in the gross expenditure amount of \$3,740,834 and the tax levy amount of \$57,062;

iv. the amended 2022 operating budget, excluding London Public Library, Children's Services, and Golf BE APPROVED in the gross expenditure amount of \$989,370,443 and the tax levy amount of \$672,905,283 after recognizing \$9,430,132 of increased taxation from assessment growth;

it being noted that the amended total 2022 operating budget being readopted is the gross expenditure amount of \$1,073,519,667 and the tax levy amount of \$701,849,363 after recognizing \$9,430,132 of increased taxation from assessment growth;

b) the amended 2023 operating budget BE READOPTED as follows:

i. the amended 2023 operating budget for London Public Library BE APPROVED in the gross expenditure amount of \$22,128,694 and the tax levy amount of \$22,128,694;

ii. the amended 2023 operating budget for Children's Services BE APPROVED in the gross expenditure amount of \$60,815,173 and the tax levy amount of \$8,835,703;

iii. the amended 2023 operating budget for Golf BE APPROVED in the gross expenditure amount of \$3,787,965 and the tax levy amount of \$75,564;

iv. the amended 2023 operating budget, excluding London Public Library, Children's Services, and Golf BE APPROVED in the gross expenditure amount of \$1,012,085,786 and the tax levy amount of \$698,023,097;

it being noted that the amended total 2023 operating budget being readopted is in the gross expenditure amount of \$1,098,817,618 and the tax levy amount of \$729,063,058.

Motion made by: E. Pelozza

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

a) the amended 2022 operating budget BE READOPTED in the gross expenditure amounts as follows:

i. the amended 2022 operating budget for London Public Library BE APPROVED in the gross expenditure amount of \$21,741,937 and the tax levy amount of \$21,741,937;

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Recuse: (1): S. Turner

Motion Passed (13 to 1)

Motion made by: E. Pelozza

ii. the amended 2022 operating budget for Children's Services BE APPROVED in the gross expenditure amount of \$58,666,453 and the tax levy amount of \$7,145,081;

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Recuse: (1): P. Van Meerbergen

Motion Passed (14 to 0)

Motion made by: E. Pelozza

iii. the amended 2022 operating budget for Golf BE APPROVED in the gross expenditure amount of \$3,740,834 and the tax levy amount of \$57,062;

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Recuse: (1): J. Helmer

Motion Passed (13 to 1)

Motion made by: E. Pelozo

iv. the amended 2022 operating budget, excluding London Public Library, Children's Services, and Golf BE APPROVED in the gross expenditure amount of \$989,370,443 and the tax levy amount of \$672,905,283 after recognizing \$9,430,132 of increased taxation from assessment growth;

it being noted that the amended total 2022 operating budget being readopted is the gross expenditure amount of \$1,073,519,667 and the tax levy amount of \$701,849,363 after recognizing \$9,430,132 of increased taxation from assessment growth;

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozo, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Motion Passed (14 to 1)

Motion made by: E. Pelozo

b) the amended 2023 operating budget BE READOPTED as follows:

i. the amended 2023 operating budget for London Public Library BE APPROVED in the gross expenditure amount of \$22,128,694 and the tax levy amount of \$22,128,694;

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Pelozo, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Recuse: (1): S. Turner

Motion Passed (13 to 1)

Motion made by: E. Pelozo

ii. the amended 2023 operating budget for Children's Services BE APPROVED in the gross expenditure amount of \$60,815,173 and the tax levy amount of \$8,835,703;

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozo, J. Fyfe-Millar, and S. Hillier

Recuse: (1): P. Van Meerbergen

Motion Passed (14 to 0)

Motion made by: E. Pelozo

iii. the amended 2023 operating budget for Golf BE APPROVED in the gross expenditure amount of \$3,787,965 and the tax levy

amount of \$75,564;

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Recuse: (1): J. Helmer

Motion Passed (13 to 1)

Motion made by: E. Pelozza

iv. the amended 2023 operating budget, excluding London Public Library, Children's Services, and Golf BE APPROVED in the gross expenditure amount of \$1,012,085,786 and the tax levy amount of \$698,023,097;

it being noted that the amended total 2023 operating budget being readopted is in the gross expenditure amount of \$1,098,817,618 and the tax levy amount of \$729,063,058.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (1): P. Van Meerbergen

Motion Passed (14 to 1)

11. (4.9) Capital Budget

Motion made by: E. Pelozza

That, in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the capital budget (Appendix B), excluding Library Services and Golf:

a. The amended 2022 capital budget BE READOPTED in the amount of \$311,174,000.

b. The amended 2023 capital budget BE READOPTED in the amount of \$407,389,000.

c. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$1,585,802,000.

d. That the following actions be taken with respect to the Library Services capital budget:

i. The amended 2022 capital budget BE READOPTED in the amount of \$745,000.

ii. The amended 2023 capital budget BE READOPTED in the amount of \$745,000.

iii. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$7,425,000.

e. That the following actions be taken with respect to the Golf capital budget:

i. The amended 2022 capital budget BE READOPTED in the amount of \$150,000.

ii. The amended 2023 capital budget BE READOPTED in the amount of \$150,000.

iii. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$900,000.

Motion made by: E. Pelozza

That, in accordance with section 291(4)(c) of the Municipal Act 2001, as amended, the following actions be taken with respect to the capital budget (Appendix B), excluding Library Services and Golf:

- a. The amended 2022 capital budget BE READOPTED in the amount of \$311,174,000.
- b. The amended 2023 capital budget BE READOPTED in the amount of \$407,389,000.
- c. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$1,585,802,000.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

Motion made by: E. Pelozza

d. That the following actions be taken with respect to the Library Services capital budget:

- i. The amended 2022 capital budget BE READOPTED in the amount of \$745,000.
- ii. The amended 2023 capital budget BE READOPTED in the amount of \$745,000.
- iii. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$7,425,000.

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

Recuse: (1): S. Turner

Motion Passed (14 to 0)

Motion made by: E. Pelozza

e. That the following actions be taken with respect to the Golf capital budget:

- i. The amended 2022 capital budget BE READOPTED in the amount of \$150,000.
- ii. The amended 2023 capital budget BE READOPTED in the amount of \$150,000.
- iii. The amended 2024-2029 capital forecast BE APPROVED in principle the amount of \$900,000.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Recuse: (1): J. Helmer

Motion Passed (14 to 0)

10. Deferred Matters

None.

11. Enquiries

11.1 Update on Islamophobia Directions and NCCM Recommendations

Councillor J. Morgan inquires with respect to his communication related to a request for an update on Islamophobia directions and National Council of Canadian Muslims recommendations; the City Manager provides Council with an update on activities and actions that are underway and have been undertaken.

11.2 COVID-19 Vaccination Administrative Policy

Motion made by: J. Morgan

Seconded by: S. Lewis

That pursuant to section 18.4 of the Council Procedure By-law, leave BE GIVEN to introduce a substantive motion with respect to the Members of Council Proof of COVID-19 Vaccination Policy.

Yeas: (14): Mayor E. Holder, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (1): M. van Holst

Motion Passed (14 to 1)

Motion made by: J. Morgan

Seconded by: S. Lewis

That the Civic Administration BE DIRECTED to bring forward an updated Members of Council Proof of COVID-19 Vaccination Policy that incorporates any changes to bring the Council Policy in line with the updated Mandatory Proof of COVID -19 Vaccination Administrative Policy, as verbally noted by the City Manager, to the next Corporate Services Committee.

Yeas: (14): Mayor E. Holder, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (1): M. van Holst

Motion Passed (14 to 1)

12. Emergent Motions

12.1 (ADDED) Opposition to the Province of Quebec's Bill 21

1. (ADDED) Mayor E. Holder and Councillors M. Hamou and J. Morgan

At 5:58 PM, the Mayor places Councillor J. Morgan in the Chair.

At 6:56 PM, Councillor J. Morgan places Councillor E. Pelozza in the Chair.

At 7:00 PM, Councillor J. Morgan resumes the Chair.

Motion made by: Mayor E. Holder
Seconded by: E. Peloza

That pursuant to Section 20.2 of the Council Procedure By-law, Leave BE GIVEN to introduce an emergent motion related to a request for support from Mayor E. Holder and Councillors M. Hamou and J. Morgan with respect to a motion related to Quebec's Bill 21.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

Motion made by: Mayor E. Holder
Seconded by: M. Hamou

That the following actions be taken with respect to the Province of Quebec's Bill 21:

- a) the opposition to the Province of Quebec's Bill 21, An Act respecting the laicity of the State ("Bill 21") by London's Municipal Council BE AFFIRMED and the City's commitment to upholding the freedoms set out in the Canadian Charter of Rights and Freedoms BE REAFFIRMED;
- b) the current legal challenge against Bill 21 BE SUPPORTED by London's Municipal Council; and,
- c) the Civic Administration BE DIRECTED to provide a one-time grant of up to \$100,000 to the joint legal challenges of Bill 21 by the National Council of Canadian Muslims, the World Sikh Organization, and the Canadian Civil Liberties Association, with the funding to be accommodated from the operating budget contingency.

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

That Council convene, in closed session, in order to receive advice subject to solicitor-client privilege, with respect to consideration of funds related to a legal challenge of Quebec's Bill 21.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, J. Fyfe-Millar, and S. Hillier

Nays: (1): M. Salih

Motion Passed (14 to 1)

The Council convenes, in closed session, from 6:17 PM to 6:29 PM.

Motion made by: Mayor E. Holder
Seconded by: M. Hamou

Motion to approve parts a) and b).

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

Motion made by: Mayor E. Holder
Seconded by: M. Hamou

Motion to approve part c)

Yeas: (13): Mayor E. Holder, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Nays: (2): M. van Holst, and P. Van Meerbergen

Motion Passed (13 to 2)

Mayor resumes the Chair at 7:07 PM.

13. By-laws

Motion made by: E. Pelozza
Seconded by: J. Fyfe-Millar

That the Introduction and First Reading of Bill No'.s 38 to 62, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Absent: (1): M. Cassidy

Motion Passed (14 to 0)

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

That the Second Reading of Bill No'.s 38 to 62, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Absent: (1): M. Cassidy

Motion Passed (14 to 0)

Motion made by: S. Lewis
Seconded by: M. Hamou

That the Third Reading and Enactment of Bill No.'s 38 to 62, inclusive. BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, J. Fyfe-Millar, and S. Hillier

Motion Passed (15 to 0)

4. Council, In Closed Session

Motion made by: J. Fyfe-Millar
Seconded by: S. Hillier

That Council rise and go into Council, In Closed Session, for the purpose of considering the matters noted on the public agenda.

Motion Passed

Council convenes, in closed session from 7:12 PM to 7:24 PM.

At 7:22 PM, Councillor S. Turner leaves the meeting.

At 7:25 PM, Councillor P. Van Meerbergen leaves the meeting.

9. Added Reports

9.1 2nd Report of Council in Closed Session

Motion made by: J. Morgan
Seconded by: S. Lewis

1. Settlement Agreement – 1673 Richmond Street – Fanshawe Park Road and Richmond Street Intersection Improvement Project

That, on the recommendation of the Deputy City Manager, Finance Supports, with the concurrence of the Deputy City Manager, Environment and Infrastructure, and the concurrence of the Director, Transportation and Mobility, on the advice of the Director, Realty Services, the following actions be taken with respect to the property located at 1673 Richmond Street, further described as Part of lot 33, Registrar's Compiled Plan 1029, in the City of London, County of Middlesex, described as Parts 1 and 2, Plan ER-1383826, being part of PIN 08066-0211 (LT), as shown on the location map attached as Appendix "B", for the purpose of future road improvements for the project known as the Fanshawe Park Road and Richmond Street Intersection Improvements Project, as follows:

a) the Settlement Agreement, attached as Appendix "C", submitted by Richmond & Fanshawe Centre Inc., as full and final compensation for the market value of the land expropriated from the subject property BE ACCEPTED, for the sum of \$59,000.00, and subject to the following conditions:

i) the City agreeing to pay the Vendor's reasonable legal, appraisal costs, disbursements and applicable taxes, as incurred to complete this transaction;

ii) the City agreeing to pay a further sum of \$2,000.00 as disturbance damages for the loss of any and all trees, shrubs and landscaping located within the Property; and

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

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Pelozo, J. Fyfe-Millar, and S. Hillier

Absent: (2): P. Van Meerbergen, and S. Turner

Motion Passed (13 to 0)

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

That the Introduction and First Reading of Added Bill No.'s 63 and 64, BE APPROVED.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Peloza, J. Fyfe-Millar, and S. Hillier

Absent: (2): P. Van Meerbergen, and S. Turner

Motion Passed (13 to 0)

Motion made by: J. Helmer

Seconded by: A. Hopkins

That the Second Reading of Added Bill No.'s 63 and 64, BE APPROVED.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Peloza, J. Fyfe-Millar, and S. Hillier

Absent: (2): P. Van Meerbergen, and S. Turner

Motion Passed (13 to 0)

Motion made by: J. Fyfe-Millar

Seconded by: S. Hillier

That the Third Reading and Enactment of Added Bill No.'s 63 and 64, BE APPROVED.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, M. Hamou, J. Morgan, S. Lehman, A. Hopkins, E. Peloza, J. Fyfe-Millar, and S. Hillier

Absent: (2): P. Van Meerbergen, and S. Turner

Motion Passed (13 to 0)

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

Bill No. 38	By-law No. A.-8199-27 - A by-law to confirm the proceedings of the Council Meeting held on the 21st day of December, 2021. (City Clerk)
Bill No. 39	By-law No. A.-8200-28 - A by-law to authorize and approve the Contribution Agreement with Her Majesty the Queen in Right of Canada, as represented by the Minister of Immigration, Refugees and Citizenship Canada: London & Middlesex Local Immigration Partnership. (2.2/1/CPSC)
Bill No. 40	By-law No. A.-8201-29 - A by-law to approve a standard form Sub-Project Funding Agreement, for projects under the Federal Reaching Home program, and to delegate authority to execute the Agreements. (2.4/1/CPSC)
Bill No. 41	By-law No. A.-8202-30 - A by-law to adopt Environmental Management Guidelines. (3.8b/1/PEC)
Bill No. 42	By-law No. A-54-22009 - A by-law to amend By-law No. A-54, as amended, being "A by-law to implement an Administrative Monetary Penalty System in London". (2.3a/1/CPSC)
Bill No. 43	By-law No. C.P.-1284(wo)-31 - A by-law to amend the Official Plan for the City of London, 1989 relating to 506 Oxford Street East (3.4a/1/PEC)
Bill No. 44	By-law No. C.P.-1555(b)-32 - A by-law to amend By-law No. C.P.-1555-252, as amended, referred to as Tree Protection By-law, to amend Part 14. (2.3d/1/CPSC)
Bill No. 45	By-law No. CP-22-22002 - A by-law to amend By-law No. CP-22, as amended referred to as Boulevard Tree Protection By-law to amend Part 9. (2.3e/1/CPSC)
Bill No. 46	By-law No. PH-15-22002 - A by-law to amend By-law No. PH-15, as amended, referred to as Idling Control By-law, to amend Part 4. (2.3c/1/CPSC)
Bill No. 47	By-law No. PS-112-22001 - A by-law to amend By-law No. PS-112, as amended, referred to as Off-Street Residential Parking By-law, to amend Part 6. (2.3b/1/CPSC)
Bill No. 48	By-law No. S.-6160-33 - A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Borden Street and Spruce Street) (Chief Surveyor – for road widening purposes, registered as ER1409658, pursuant to SPA20-071 and in accordance with Z.-1)
Bill No. 49	By-law No. S.-6161-34 - A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Oxford Street East and Crumlin Sideroad) (Chief Surveyor - for road widening purposes, registered as ER1409016, pursuant to SPA21-034 and in accordance with Z.-1)

Bill No. 50	By-law No. S.-6162-35 - A by-law to assume certain works and services in the City of London. (Hickory Heights Subdivision, 33M-649) (Deputy City Manager, Environment and Infrastructure)
Bill No. 51	By-law No. S.-6163-36 - A by-law to assume certain works and services in the City of London. (Talbot Village Subdivision Phase 5, 33M-726) (Deputy City Manager, Environment and Infrastructure)
Bill No. 52	By-law No. Z.-1-222981 - A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 355 Middleton Avenue. (2.1/1/PEC)
Bill No. 53	By-law No. Z.-1-222982 - A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 890 Upperpoint Avenue. (2.2/1/PEC)
Bill No. 54	By-law No. Z.-1-222983 - A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for lands located at 1478 Westdel Bourne. (2.4/1/PEC)
Bill No. 55	By-law No. Z.-1-222984 - A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for lands located at 1235 Fanshawe Park Road West. (2.5/1/PEC)
Bill No. 56	By-law No. Z.-1-222985 - A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1225 Hyde Park Road. (2.7/1/PEC)
Bill No. 57	By-law No. Z.-1-222986 - A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1150 Byron Baseline Road (2.8/1/PEC)
Bill No. 58	By-law No. Z.-1-222987 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 876 Wellington Road (3.1/1/PEC)
Bill No. 59	By-law No. Z.-1-222988 - A bylaw to amend By-law No. Z.-1 to rezone lands located at 4270 Lismer Lane. (3.2/1/PEC)
Bill No. 60	By-law No. Z.-1-222989 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1955 Jim Hebb Way. (3.3/1/PEC)
Bill No. 61	By-law No. Z.-1-222990 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 506 Oxford Street East (3.4b/1/PEC)
Bill No. 62	By-law No. Z.-1-222991 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1408 Ernest Avenue. (3.5/1/PEC)
Bill No. 63	By-law No. A.-8203-37 - A by-law to authorize and approve a Settlement Agreement between The Corporation of the City of London and Richmond & Fanshawe Centre Inc., for the partial acquisition of property located at 1673 Richmond Street, in the City of London, and to authorize the Mayor and the City Clerk to execute the Agreement. (6.1/1/CSC)

Bill No. 64	By-law No. A.-8204-38 - A by-law respecting the 2020 – 2023 Multi-Year Tax Supported Operating and Capital Budget for The Corporation of the City of London. (4.10/1/SPPC)
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14. Adjournment

Motion made by: J. Fyfe-Millar

Seconded by: S. Hillier

That the meeting BE ADJOURNED.

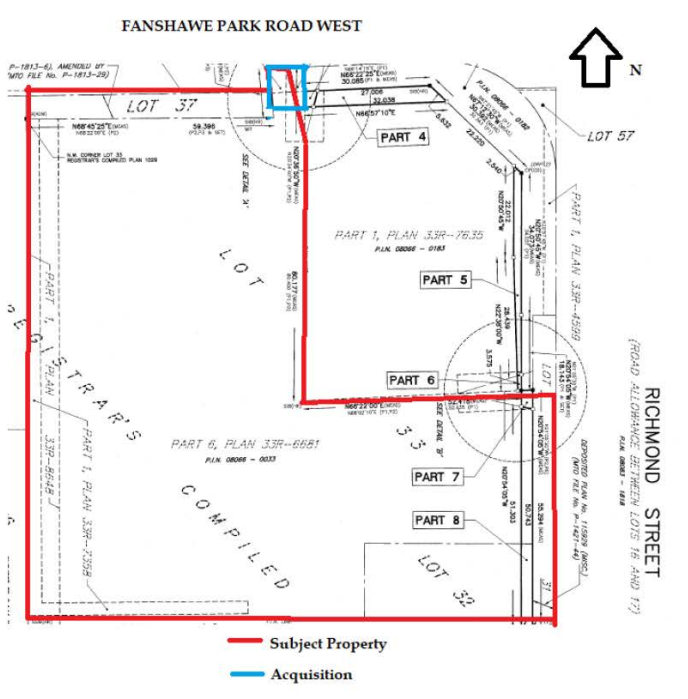
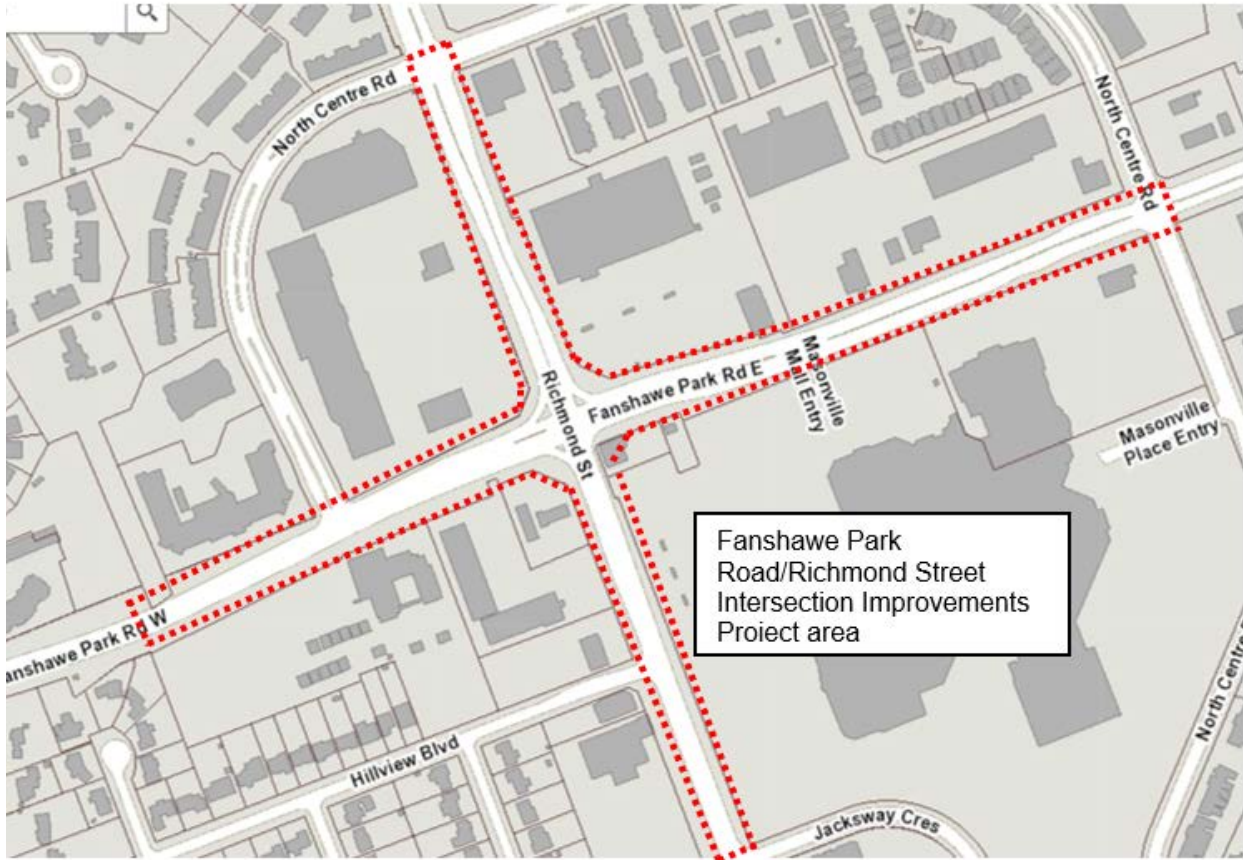
Motion Passed

The meeting adjourns at 7:34 PM

Ed Holder, Mayor

Catharine Saunders, City Clerk

Appendix B - Location Maps



Appendix C - Settlement Agreement

THIS SETTLEMENT AGREEMENT made this 7th day of October, 2021.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON

(hereinafter referred to as the "City")

OF THE FIRST PART

- and -

RICHMOND & FANSHAWE CENTRE INC.

(hereinafter referred to as the "Owner")

OF THE SECOND PART

AND WHEREAS Notice of Expropriation under the *Expropriations Act*, R.S.O., 1990, c E.26, as amended (the "Act"), was served by the City on the Owners.

AND WHEREAS the City expropriated from the Owner the lands described in Schedule "A" hereto (the "Expropriation");

WHEREAS the Owner is in possession of the property described in Schedule "A" hereto, subject to Section 39 of the *Expropriations Act*, R.S.O., 1990, c E.26, as amended;

AND WHEREAS the Owner and the City wish to resolve the compensation to which the Owner is entitled to pursuant to the provisions of the Act and arising out of the Expropriation;

AND WHEREAS the Owner acknowledges and agrees that there are no claims for injurious affection in respect of the property located at 1673 Richmond Street North, City of London;

WITNESSETH that in consideration of the mutual covenants and agreements herein and subject to the terms and conditions in this Agreement, the parties agree as follows:

1.00 SETTLEMENT TERMS

- 1.01 The City and the Owner agree that the recitals contained in this Agreement are true and correct in fact and in substance.
- 1.02 The City shall pay to the Owner the sum of Fifty-Nine Thousand Dollars (\$59,000.00), which sum represent the fair market value of the Expropriated Property located at 1673 Richmond Street North.
- 1.03 The City shall pay the Owner the sum of Two Thousand Dollars (\$2,000.00), for disturbance damages relating to landscaping, curbing, and encroachment costs associated for existing sign.
- 1.04 The Parties acknowledge and agree that this Agreement shall be deemed to have satisfied all Section 25 requirements of the *Expropriations Act*.

- 1.07 **SCHEDULE(S):** The following Schedules form part of this Agreement:

Schedule "A" Legal Description (the "Expropriated Property")
Schedule "B" Additional Terms and Conditions
Schedule "C" Full and Final Release

2.00 RELEASE

- 2.01 The Owner hereby forever releases and discharges City for and from all actions, causes of actions, suits, claims and demands of every nature or kind arising out of or in any way related to or connected with the Expropriation including all claims for the market value of land taken, any damages attributable to disturbance, any claims for injurious affection to remaining lands, business loss, interest and any special difficulties in relocation now known or which may be known or anticipated but which may arise in the future as a result of the Expropriation with the specific exception of liability for loss or damage arising from negligent acts of the City, its officers, agents, servants, employees and contractors undertaking works on the reconstruction, installation of services and widening of Richmond North and Fanshawe Park Road.
- 2.02 The Owner shall execute a Full and Final Release (the "**Release**") in the form attached hereto as **Schedule "C"**.

3.00 BINDING EFFECT

- 3.01 The City and the Owner agree that this Agreement shall be binding upon each of the Parties hereto and their respective heirs, executors, successors, administrators and assigns.
- 3.02 City staff have confirmed they are taking a report to City Council recommending the settlement, however, the decision to settle is subject to obtaining formal instructions from City Council.

4.00 GOVERNING LAW

- 4.01 This Agreement shall be construed and interpreted in accordance with the laws of the Province of Ontario and each of the Parties hereto hereby attorn to the jurisdiction of the Courts in London.

5.00 PAYMENTS

- 5.01 Any payment required to be made by the City to the Owner pursuant to this Agreement shall be available to be advanced to the Owner, upon written request by the Owner, within thirty-five (35) days of the acceptance of this Agreement by Resolution of Municipal Council.
- 5.02 The payment(s) referred to in clause 5.01 shall be conditional upon the Owner providing the City with a release from any and all mortgagees and/or security holders, and shall be subject to adjustments.
- 5.03 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.

6.00 CLOSING DATE

- 6.01 Notwithstanding a vacant possession date will be established in accordance with the provisions of the Expropriations Act, the parties agree to a possession date of October 31, 2021.

7.00 LEGAL COSTS:

- 7.01. As set out in Section 32 of the *Expropriations Act* the City agrees to pay the Owner reasonable legal costs, including fees, disbursements and applicable taxes, to complete this settlement, subject to the right on the part of City to refer the matter of costs to assessment by the local assessment officer.

8.00 DISPOSAL OF EXPROPRIATED LANDS

- 8.01. The Owner agrees that the City shall not be required to offer the Owner the first chance to repurchase any remaining lands which the City decides are surplus to the City's needs. The City shall have the right to over-ride the rights accorded to the Owner under Section 42 of the Act.

9.00 GENERAL PROVISIONS OF CONTRACT

- 9.01 The parties agree that the terms of these Minutes are contractual, are not a mere recital and any breach of these terms may be enforced against the defaulting party by a legal proceeding, including, but not limited to, a claim for an injunction or other mandatory order where and to the extent that damages would be an inadequate remedy for the default.
- 9.02 It is understood and agreed that the fact and terms of these Minutes and the settlement underlying it, including the negotiations between the parties which led up to it, will be held in strict confidence and will not be divulged, disclosed, communicated or published by the parties hereto unless deemed essential on auditors' or accountants' advice, or for the purpose of any judicial or legal proceeding in which case the fact that the settlement is made without any admission of liability will receive publication contemporaneously. The parties will not publish any articles, press releases or make any public statements about the matters settled herein.
- 9.03 The parties agree that where one or more provisions of these Minutes are found to be invalid, unenforceable, or void by any court or tribunal of competent jurisdiction, the remaining terms and provisions of these Minutes shall be deemed to be severable from the provisions so found and shall remain in full force and effect.

9.04 The parties shall make, do, and deliver all things required to implement this settlement and shall cooperate with one another as required in order to give effect to this settlement.

10.00 POSSESSION DATE

10.01 It is hereby acknowledged that the City has expropriated the lands in their entirety and in accordance with the provisions of the *Expropriations Act* and will be establishing a vacant possession date in accordance with the *Expropriations Act*. Possession shall be provided on this date, or such earlier date as the Parties agree to in writing.

10.02 The Owner agrees to leave the property neat and tidy, free and clear of all refuse, hazardous and other waste material, garbage or other loose or objectionable materials.

11.00 COMPLETE AGREEMENT

11.01 The parties agree that these Minutes and the Release constitute the entire agreement between the parties and supersedes all oral or written agreements, arrangements, representations, or understandings. These Minutes shall be governed by the laws of the Province of Ontario and the laws of Canada applicable therein.

11.02 By signing these Minutes, the parties acknowledge that they have carefully read these Minutes, have had the opportunity to seek the advice of a lawyer as to the nature and effect of these Minutes, understand all of the terms in these Minutes, and have executed these Minutes voluntarily and with knowledge of the consequences thereof.

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 15 day of October, 2021.

RICHMOND & FANSHAWE CENTRE INC.

Per: _____

Name: Ali Soufan

Title: President

Per: _____

Name: _____

Title: _____

I/We Have Authority to Bind the Corporation

The Corporation of the City of London hereby accepts the terms and conditions of this agreement and agrees to carry out and be bound by the provisions, terms and conditions herein contained, and has hereunto caused to be affixed its Corporation Seal attested by the hands of the proper signing officers pursuant to the authority pertained in By-Law No. _____ of the Council of the Corporation of the City of London passed on _____ day of _____, 2021.

THE CORPORATION OF THE CITY OF LONDON

Ed Holder, Mayor

Catherine Saunders, City Clerk

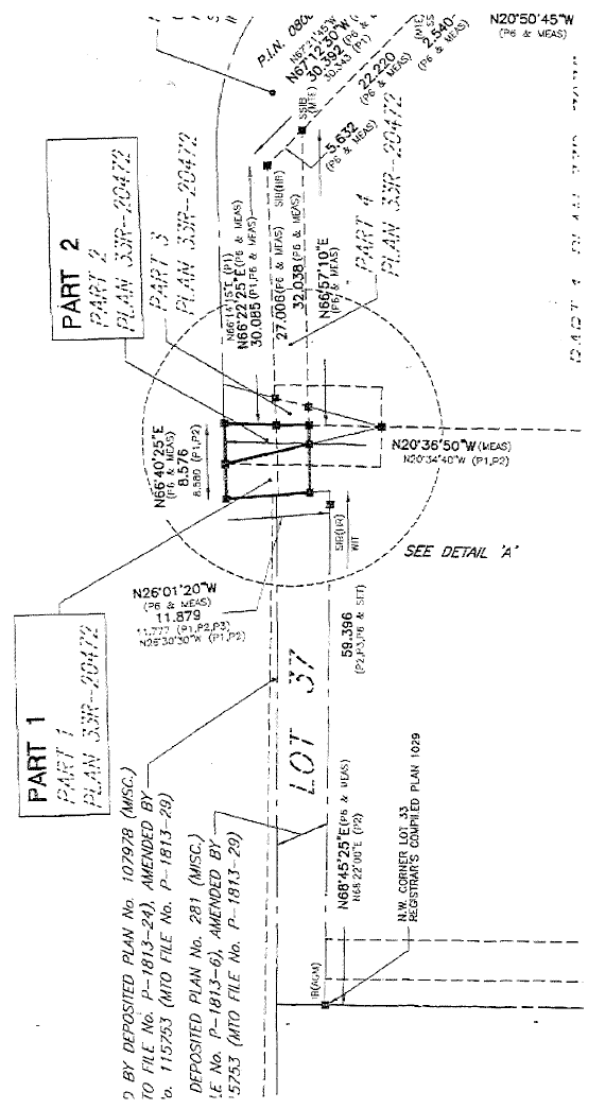
SCHEDULE "A"

Legal Description:

Part of Lot 33, Registrar's Complied Plan 1029, designated as Parts 1 & 2 on Plan ER1383826, City of London, County of Middlesex, being Part of PIN 08066-0211 (LT)

(being the "Expropriated Property")

ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5
(FORMERLY KING'S HIGHWAY No. 22)
FANSHAWE PARK ROAD WEST
(BY BY-LAW No. S-3748-45, INST. No. L7415921)
(WIDTH VARIES)
P.L.N. 08066 - 0899



SCHEDULE "B"

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. **ENVIRONMENTAL CLAUSE:** The Purchaser acknowledges that the Expropriated Property is being purchased on an "as is" basis. The Purchaser acknowledges that the Vendor has not made, did not make and shall not be required to provide any representations or warranties of any kind with respect to whether the Expropriated Property and processes and undertakings performed thereon have been and are in compliance with all applicable environmental laws, regulations and orders and whether the Expropriated Property is suitable for any specific use including and without limitation to any construction or development. The Purchaser acknowledges and agrees that the Purchaser, and not the Vendor shall be liable for any costs, damages, claims or loss whatsoever arising out of or pursuant to any claims in respect to the foregoing and environmental contamination that may result from Expropriated Property.
3. **RE-IMBURSEMENT OF COSTS TO RE-INSTALL CURBING:** The parties acknowledge that a portion of the existing curbing on the Expropriated Property may need to be re-moved/re-installed onto the Vendors remaining lands (the "Curbing Work"). The City will pay the Vendor for the reasonable costs incurred to complete the Curbing Work. The Vendor shall be required to produce a quote for any required curbing work and the City will pay for the actual costs incurred. Payment shall be on a re-imbursment basis upon receipt of proof that the costs were actually incurred and have been paid in full.
4. **ACCESS:** The Purchaser agrees to allow the Vendor to reserve over the Property a right of way for ingress and egress until such time as the Property is dedicated by by-law as a public highway.
5. **CLAUSES DEEMED TO SURVIVE CLOSING:** The parties hereby agree that the covenants in clauses 3 and 4 shall survive and shall not merge upon the completion of this transaction.
6. **LICENCE AGREEMENT:** It is understood and agreed that the Vendor will enter into a standard Licence Agreement with the City of London for the portion of Pylon Sign fronting onto Fanshawe Park Road that encroaches onto the expropriated lands. Part of Part 1 on Expropriation Plan # ER1383826

7
SCHEDULE "C"

FULL AND FINAL RELEASE

IN CONSIDERATION of the payment of the total sum of Sixty-One Thousand Dollars (\$61,000.00), the "**Settlement Payment**", which includes compensation payable, but not paid, under Section 25 of the *Expropriations Act* in respect of 1673 Richmond Street North, for all claims under the *Expropriations Act*, including market value of the lands taken, damages attributable to disturbance, damages for injurious affection, business and rental losses, damages for any difficulties in relocation, interest and any other damages,

Richmond & Fanshawe Centre Inc.

hereby releases, indemnifies and forever discharges THE CORPORATION OF THE CITY OF LONDON, their servants, agents and employees, from any and all actions, causes of action, claims and demands howsoever arising, except legal fees and disbursements, which heretofore may have been or may hereafter be sustained by **Richmond & Fanshawe Centre Inc.** and without restricting the generality of the foregoing from any claim against THE CORPORATION OF THE CITY OF LONDON, their servants, agents and employees, in connection with the expropriation of land located at 1673 Richmond Street North, herein "the subject property," in the City of London.

IT IS UNDERSTOOD AND AGREED that the said payment or promise of payment is deemed to be no admission whatsoever of liability on the part of the said THE CORPORATION OF THE CITY OF LONDON, their servants, agents and employees.

IT IS UNDERSTOOD AND AGREED that the City will pay the legal fees incurred by the **Richmond & Fanshawe Centre Inc.** lawyer on the basis that such fees are either agreed or assessed.

IT IS UNDERSTOOD AND AGREED that the said payment or promise of payment includes any claim for any bonus legally payable and for any loss incurred by reason of a difference in interest rates as set out in section 20 of the *Expropriations Act* or otherwise provided in the agreement between the mortgagor and mortgagee.

IT IS EXPRESSLY UNDERSTOOD AND AGREED that this release and settlement is intended to cover and does cover not only all now known losses and damages but any future losses and damages not now known or anticipated but which may later develop or be discovered, including all the effects and consequences thereof.

IT IS FURTHER UNDERSTOOD AND AGREED that this that this release and settlement shall be deemed to have satisfied all Section 25 requirements of the *Expropriations Act*.

IT IS UNDERSTOOD AND AGREED **Richmond & Fanshawe Centre Inc.** will maintain the confidentiality of this Release or the settlement and will not divulge either directly or indirectly, the terms, details, facts of or related discussion about the Release of settlement to any person, except to resolve the matter of costs in this proceeding, or as may be required by law, including so as to comply with tax obligations.

IT IS HEREBY DECLARED that the terms of the Release are fully understood and that this Release is given voluntarily for the purpose of making a full and final compromise, adjustment and settlement of all claims except legal costs and disbursement, and that payment is not to be construed as an admission of liability upon the part of The Corporation of the City of London, by whom liability is expressly denied. It is further understood that as of the date of the release, has received legal advice regarding this release.

Richmond & Fanshawe Centre Inc. confirms that it was the sole Owner of the subject property at the time of the expropriation, with authority to direct the City to pay these settlement funds directed below.

AND **Richmond & Fanshawe Centre Inc.** hereby authorizes and directs the releasee to pay the said consideration as follows:

- (a) payment in the amount of **\$61,000.00** payable to **Richmond & Fanshawe Centre Inc.**, in full satisfaction of the Claimant's damages in respect of the above noted expropriation;

IN WITNESS WHEREOF I have hereunto set my hand and seal this 15 day of October, 2021.

RICHMOND & FANSHAWE CENTRE INC.

Per: _____

Name: Ali Soufen

Title: President

Per: _____

Name: _____

Title: _____

I/We Have Authority to Bind the Corporation

Appendix A - Source of Financing

Appendix "A" Confidential

#21185

December 13, 2021
(Settlement Agreement)

Chair and Members
Corporate Services Committee

RE: Settlement Agreement, 1673 Richmond Street
Fanshawe Park Road and Richmond Street Intersection Improvements Project
(Subledger LD190049)
Capital Project TS1134 - Intersection - Richmond Street and Fanshawe Park Road
Richmond & Fanshawe Centre Inc.

Finance Supports Report on the Sources of Financing:

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

Estimated Expenditures	Approved Budget	Committed To Date	This Submission	Balance for Future Work
Engineering	1,200,000	823,665	0	376,335
Land Purchase	4,500,000	572,795	64,933	3,862,272
Construction	4,000,941	941	0	4,000,000
Utilities	1,500,000	0	0	1,500,000
City Related Expenses	49,059	5,624	0	43,435
Total Expenditures	\$11,250,000	\$1,403,025	\$64,933	\$9,782,042

Sources of Financing

Debenture By-law No. W.-5581-134 (Note 1)	1,307,500	163,063	7,547	1,136,891
Drawdown from City Services - Roads Reserve Fund (Development Charges) (Note 2)	9,942,500	1,239,962	57,386	8,645,151
Total Financing	\$11,250,000	\$1,403,025	\$64,933	\$9,782,042

Financial Note:

Purchase Cost	\$59,000
Add: Legal Fees etc.	4,500
Add: Land Transfer Tax	315
Add: HST @13%	8,255
Less: HST Rebate	<u>-7,137</u>
Total Purchase Cost	\$64,933

Note 1: Note to City Clerk: The City Clerk be authorized to increase Debenture By-law No. W.-5581-134 by \$675,000 from \$632,500 to \$1,307,500.

Note 2: 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/lp