



Council Minutes

6th Meeting of City Council
March 7, 2023, 1:00 PM

Present: Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, S. Hillier

Absent: S. Trosow

Also Present: L. Livingstone, A. Barbon, S. Corman, K. Dickins, S. Mathers, H. McNeely, K. Scherr, M. Schulthess, C. Smith, J. Taylor, B. Westlake-Power

Remote attendance: B. Card, I. Collins, C. Cooper, K. Murray, E. Skalski, B. Warner

The meeting is called to order at 1:03 PM; it being noted that Councillors D. Ferreira, S. Franke, S. Hillier, P. Van Meerbergen were in remote attendance.

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests are disclosed.

2. Recognitions

None.

3. Review of Confidential Matters to be Considered in Public

None.

4. Council, In Closed Session

Motion made by: P. Cuddy
Seconded by: C. Rahman

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

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

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality. (6.1/4/CSC)

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, and D. Ferreira

Absent: (2): S. Trosow, and S. Hillier

Motion Passed (13 to 0)

The Council convenes, In Closed Session, from 1:12 PM to 1:16 PM.

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

5.1 5th Meeting held on February 14, 2023

Motion made by: P. Cuddy
Seconded by: J. Pribil

That the Minutes of the 5th meeting of the Municipal Council, held on February 14, 2023, BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

6. Communications and Petitions

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

That the communications BE RECEIVED and BE REFERRED as noted on the agenda.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

7. Motions of Which Notice is Given

None.

8. Reports

8.1 4th Report of the Civic Works Committee

Motion made by: C. Rahman

That the 4th Report of the Civic Works Committee, excluding items 5 (2.4) and 11 (3.1), BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: C. Rahman

That is BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) 3rd Report of the Environmental Stewardship and Action Community Advisory Committee

Motion made by: C. Rahman

That the following actions be taken with respect to the 3rd Report of the Environmental Stewardship and Action Community Advisory Committee (ESACAC), from the meeting held on February 1, 2023:

- a) the following actions be taken with respect to the Notice of Planning Application for the Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments, dated January 26, 2023, relating to the property located at 735 Wonderland Road West:
 - i) a Working Group consisting of B. Samuels, A. Hames and A. Wittingham BE ESTABLISHED to review and report back on the Notice of Planning Application relating to the property located at 735 Southdale Road West; and,
 - ii) the staff presentation relating to this matter BE RECEIVED for information; and,
- b) clauses 1.1, 2.1, 3.1 and 5.1 BE RECEIVED.

Motion Passed

3. (2.2) RFT-2022-311 Dedicated Locate Services Contract Award - Irregular Result

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated February 22, 2023, related to the request for tender RFT-2022-311 for Dedicated Locate Services Contract Award - Irregular Result:

- a) the bid submitted by GTel Engineering of \$1,350,000 (excluding HST), to provide dedicated locate services for one (1) year as the initial term, and four (4) optional terms of one (1) year each, BE ACCEPTED in accordance with the Procurement of Goods and Services Policy, it being noted that the bid submitted by GTel Engineering was the only bid that met the technical criteria and the City's specifications and requirements;
- b) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this purchase;
- c) the approval given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract relating to the subject matter of this approval; and
- d) the Mayor and the City Clerk BE AUTHORIZED to execute any contract, statement, or other documents, if required, to give effect to these recommendations. (2023-T04)

Motion Passed

4. (2.3) Electric Kick-Scooter and Cargo Power-assisted Bicycle Pilot Project By-law and By-law Amendments (Relates to Bill No.'s 82, 83, 84, 88, 89)

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated February 22, 2023, related to the Electric Kick-Scooter and Cargo Power-assisted Bicycle pilot projects:

- a) the proposed by-law, as appended to the above noted staff report, BE INTRODUCED at the Municipal Council meeting being held March 7, 2023 to establish a Pilot Project for Electric Kick Scooters and for Cargo Powered-Assisted, for use on highways and bicycle lanes (not sidewalks) in the City of London;
- b) the proposed by-law, as appended to the above noted staff report, BE INTRODUCED at the Municipal Council meeting being held March 7, 2023 to amend By-law PS-114, entitled "A by-law to regulate traffic and the parking of motor vehicles in the City of London";
- c) the proposed by-law, as appended to the above noted staff report, BE INTRODUCED at the Municipal Council meeting being held March 7, 2023 to amend By-law No. S-1, entitled "A by-law to provide for the Regulation of Streets";
- d) the proposed by-law, as appended to the above noted staff report, BE INTRODUCED at the Municipal Council meeting being held March 7, 2023 to amend By-law No. PR-2, entitled "A by-law relating to the use, protection and regulation of Public Parks and Recreation Areas in the City of London"; and,
- e) the proposed by-law, as appended to the above noted staff report, BE INTRODUCED at the Municipal Council meeting being held March 7, 2023 to amend By-law No. A-54, as amended, being "A By-law to implement an Administrative Monetary Penalty System in London" to designate the Electric Kick-Scooter and Cargo Power-assisted Bicycle By-law;

it being noted that the Civic Works Committee received a verbal delegation from A. Petre, as appended to the Added Agenda, as well as a verbal delegation from M. Miksa, with respect to this matter. (2023-T10)

Motion Passed

6. (2.5) 2022 Drinking Water Annual Report and Summary Report for the City of London Drinking Water System

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the staff report dated February 22, 2023, with respect to the 2022 Drinking Water Annual Report and Summary Report for the City of London Drinking Water System BE RECEIVED. (2023-E13)

Motion Passed

7. (2.6) Request for Proposal RFP-2022-245 Contract Award of Pollution Prevention Control Plan (PPCP) Update Study

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with

respect to the staff report dated February 22, 2023, related to the request for proposal RFP-2022-245 for the Pollution Prevention Control Plan (PPCP) Update Study:

- a) GM BluePlan Engineering Limited BE APPOINTED as the consulting engineers to complete the Pollution Prevention Control Plan (PPCP) Update Study, in the total amount of \$300,839.00, including contingency (excluding HST), in accordance with Section 15 of the City of London's Procurement of Goods and Services Policy;
- b) the financing for this project BE APPROVED as set out in the Sources of Financing Report, as appended to the 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 approval given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract; 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. (2023-E05)

Motion Passed

- 8. (2.7) 2022 Administrative Amendments to the Traffic and Parking By-law (Relates to Bill No. 86)

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the proposed by-law, as appended to the staff report dated February 22, 2023 relating to 2022 administrative amendments, BE INTRODUCED at the Municipal Council meeting to be held on March 7, 2023, to amend By-law PS-114 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London". (2023-T02/T08)

Motion Passed

- 9. (2.8) Amendments to the Traffic and Parking By-law (relates to Bill No. 87)

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the proposed by-law, as appended to the staff report dated February 22, 2023, BE INTRODUCED at the Municipal Council meeting to be held on March 7, 2023, to amend By-law PS-114 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London". (2023-T02/T08)

Motion Passed

10. (2.9) Contract Amendment: Detailed Design for Bradley Avenue Extension - Wharncliffe Road South to Jalna Boulevard

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated February 22, 2023, with respect to a Contract Amendment for Detailed Design for Bradley Avenue Extension from Wharncliffe Road South to Jalna Boulevard:

- a) the contract with WSP E&I Canada Limited BE INCREASED by \$293,625.75 to \$801,634.75 (excluding HST), to complete additional detailed design activities for drainage improvements to the White Oaks Drain culvert, in accordance with Section 20.3 (e) of the 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 contract amendment; and,
- d) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2023-E09)

Motion Passed

12. (5.1) 3rd Report of the Integrated Transportation Community Advisory Committee

Motion made by: C. Rahman

That the 3rd Report of the Integrated Transportation Community Advisory Committee, from its meeting held on February 15, 2023, BE RECEIVED.

Motion Passed

5. (2.4) Results of the 2022 Bike Share Request for Proposal Process and Next Steps

Motion made by: C. Rahman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated February 22, 2023, related to the results of the 2022 Bike Share Request for Proposal and Next Steps:

- a) the above-noted staff report BE RECEIVED for information; it being noted that the results and learnings will be part of the development of the Mobility Master Plan; and,
- b) the Civic Administration BE DIRECTED to develop a micromobility services business case, including bike share services, for inclusion in the 2024-2027 Multi-Year Budget process; it being noted that the communication as appended to the Added Agenda, from C. Butler, with respect to this matter, was received. (2023-T10)

Motion made by: C. Rahman

Motion to approve clause 2.4, excluding part b)

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated February 22, 2023, related to the results of the 2022 Bike Share Request for Proposal and Next Steps:

a) the above-noted staff report BE RECEIVED for information; it being noted that the results and learnings will be part of the development of the Mobility Master Plan; and,

it being noted that the communication as appended to the Added Agenda, from C. Butler, with respect to this matter, was received. (2023-T10)

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozo, D. Ferreira, and S. Hillier

Nays: (1): S. Stevenson

Absent: (1): S. Trosow

Motion Passed (13 to 1)

Motion made by: C. Rahman

Motion to approve part b)

b) the Civic Administration BE DIRECTED to develop a micromobility services business case, including bike share services, for inclusion in the 2024-2027 Multi-Year Budget process;

Yeas: (8): Mayor J. Morgan, H. McAlister, P. Cuddy, C. Rahman, A. Hopkins, S. Franke, E. Pelozo, and D. Ferreira

Nays: (6): S. Lewis, S. Stevenson, J. Pribil, S. Lehman, P. Van Meerbergen, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (8 to 6)

11. (3.1) J. Preston - London Transit Commission Specialized Transit for Disabled Londoners

Motion made by: C. Rahman

That the following recommendations related to paratransit BE FORWARDED to the London Transit Commission, with a request for an update back to the Civic Works Committee with respect to proposed implementation:

a) same-day booking options, smart card access in all busses and sensitivity training for drivers by 2023;

b) online booking options, live bus tracking and increased efficiencies to reduce travel time for riders by 2024; and

c) increased annual ride capacity by 10% annually within the next 4 years.

it being noted that the Civic Works Committee received the ~~attached~~ presentation from Dr. J. Preston, with respect to this matter.

Motion made by: D. Ferreira
Seconded by: J. Pribil

That item 11, clause 3.1, BE AMENDED by adding a new part d), as follows:

“d) enhance customer feedback mechanisms by tasking a third party to complete research and reports that are compliant with peer-reviewed research methodology and AODA, by 2023/2024.”

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

Motion made by: C. Rahman
Seconded by: E. Pelozza

That item 11, clause 3.1, as amended, BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

Clause 3.1, as amended, reads as follows:

That the following recommendations related to paratransit BE FORWARDED to the London Transit Commission, with a request for an update back to the Civic Works Committee with respect to proposed implementation:

- a) same-day booking options, smart card access in all busses and sensitivity training for drivers by 2023;
- b) online booking options, live bus tracking and increased efficiencies to reduce travel time for riders by 2024;
- c) increased annual ride capacity by 10% annually within the next 4 years; and,
- d) enhance customer feedback mechanisms by tasking a third party to complete research and reports that are compliant with peer-reviewed research methodology and AODA, by 2023/2024.

it being noted that the Civic Works Committee received the ~~attached~~ presentation from Dr. J. Preston, with respect to this matter.

8.2 10th Report of the Strategic Priorities and Policy Committee

Motion made by: S. Lewis

That the 10th Report of the Strategic Priorities and Policy Committee, BE APPROVED, excluding item 2 (2.1).

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelosa, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: S. Lewis

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

3. (4.1) Health and Homelessness Summits - Proposed Whole of Community System Response

Motion made by: S. Lewis

That, the following actions be taken with respect to the Proposed Whole of Community System Response:

a) on the recommendation of the Deputy City Manager, Social and Health Development and with the concurrence of the City Manager, the report dated February 28, 2023, regarding the Health and Homelessness Summits – Proposed Whole of Community System Response Report BE RECEIVED for information;

b) the Health and Homelessness Whole of Community System Response co-developed through the Health and Homelessness Summits as appended to the staff report dated February 28, 2023 as Appendix "A", BE ENDORSED;

c) the Civic Administration BE DIRECTED to allocate the remaining fund of \$2,884,186 from the London Community Recovery Network funds towards the implementation of the system it being noted that Civic Administration will return to Council with a business case detailing the proposed use of the funds;

d) the Civic Administration BE DIRECTED to proceed with supporting the implementation of the Health and Homelessness Whole of Community System Response; and

e) the Civic Administration BE DIRECTED to report back monthly to future standing committees on progress updates;

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

- M. Wallace, Executive Director, London Development Institute
- J. DeActis, Executive Director, Salvation Army - Centre of Hope
- J. Seeler, Co-Chair, London Homeless Coalition
- B. Mitchell, Co-CEO and L. Sibley, Co-CEO, Canadian Mental Health Association Thames Valley Addiction and Mental Health Services
- M. Oates, Executive Director and S. Ashkanase, Chair, Board of Directors, St. Leonard's Community Services London and Region
- S. Williams, Chief of Police, London Police Service
- K. Scott, Chair, Board of Directors and M. McMahon, Executive Director, Thames Valley Family Health Team
- A. Lockie, CEO, YMCA of Southwestern Ontario
- N. Memo, Executive Director, Family Service Thames Valley

- S. Courtice, Executive Director, London InterCommunity Health Centre
- K. Ziegner, President and CEO, United Way Elgin Middlesex
- J. Schleifer Taylor, President and CEO, London Health Sciences Centre
- N. Roberts, Chief, Middlesex-London Paramedic Service
- E. Ayala Ronson, Executive Director, Mission Services of London
- T. Smuck, Executive Director, Changing Ways (London) Inc.
- A. Armstrong, Executive Director, London Cares Homeless Response Services
- R. Butler, President and Chief Executive Officer, St. Joseph's Health Care London
- B. Legate, Legate Injury Lawyers
- M. Anderson
- Sister M. Ritchie, Congregational Leader and all the Sisters of St. Joseph
- B. Maly, Downtown London Executive Director and S. Collyer, LDBA Board Chair, Downtown London
- M. Davis, Supervisor - Community Support Program - Extreme Cleaning and Hoarding Support (London), VHA Home HealthCare
- R. Corneil, CEO, St. Joseph's Health Care Society
- Mayor J. Morgan
- S. Jani, Manager, Client Care and Operations, Community Support Programs, VHA Home HealthCare
- L. Crossley-Hauch, Co-Chair and M. McMahon, CoChair, Middlesex London Ontario Health Team
- School of Social Work, King's University College
- C. Nolan, Managing Director, Street Level Women at Risk
- C. Rodrigues
- B. Baginski

Motion Passed

4. (4.2) Developing Council's 2023-2027 Strategic Plan: Draft Strategies and Order of Magnitude Costing

Motion made by: S. Lewis

That, the following actions be taken with respect to developing the 2023-2027 Strategic Plan:

- a) on the recommendation of the City Manager, the report dated February 28, 2023 entitled "Developing the 2023-2027 Strategic Plan: Draft Strategies and Order of Magnitude Costing" BE RECEIVED for information;
- b) the ~~attached~~, revised draft strategies for the 2023-2027 Strategic Plan BE ACCEPTED for additional consultation with the public;
- c) the report dated February 28, 2023 entitled "Developing 2023-2027 Strategic Plan: Community Engagement Update" BE RECEIVED for information;

it being noted that the Strategic Priorities and Policy Committee received a staff presentation with the ~~attached~~ additional slide and the ~~attached~~ delegation from G. Henderson, CEO, London Chamber of Commerce with respect to this matter.

Motion Passed

5. (4.3) Developing Council's 2023-2027 Strategic Plan: Draft Metrics

Motion made by: S. Lewis

That, the following actions be taken with respect to developing the 2023-2027 Strategic Plan:

a) on the recommendation of the City Manager, the report dated February 28, 2023 entitled "Developing the 2023-2027 Strategic Plan: Draft Metrics" BE RECEIVED for information; and,

b) the ~~attached~~ revised draft metrics BE INCLUDED with the draft 2023-2027 Strategic Plan.

Motion Passed

6. (4.4) Consideration of Appointment to the London and Middlesex Community Housing

Motion made by: S. Lewis

That Cara Awcock BE APPOINTED to the London & Middlesex Community Housing Board of Directors for the term ending December 31, 2025 (Third Class); it being noted that the Strategic Priorities and Policy Committee received a communication from S. Chowns, Board of Directors, London & Middlesex Community Housing with respect to this matter.

Motion Passed

7. (4.5) Consideration of Appointment to the Committee of Adjustment

Motion made by: S. Lewis

That Mariam Hamou BE APPOINTED to the Committee of Adjustment for the term ending November 14, 2026.

Motion Passed

8. (4.6) 2nd Report of the Diversity, Inclusion and Anti-Oppression Community Advisory Committee

Motion made by: S. Lewis

That the following actions be taken with respect to the 2nd Report of the Diversity, Inclusion and Anti-Oppression Community Advisory Committee from its meeting held on February 9, 2023:

a) the Diversity Inclusion and Anti-Oppression Community Advisory Committee BE AUTHORIZED to organize and host an event on Friday, March 31 at approximately 6 PM, to recognize and celebrate Trans Day of Visibility; it being noted that Victoria Park would be the preferred location for the event;

b) the Civic Administration BE REQUESTED to investigate the Corporate use and potential cessation of the term "stakeholder"; it being noted that the Diversity, Inclusion and Anti-Oppression Community Advisory Committee, received a verbal presentation from B. Hill with respect to this matter; and,

c) clause 1.1, 2.1, 2.2, 3.1, 4.1, 4.2, 5.1 and 7.2 BE RECEIVED.

Motion Passed

2. (2.1) 2023 Assessment Growth Funding Allocation

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, the report dated February 28, 2023, regarding the 2023 Assessment Growth Funding Allocation BE RECEIVED for information;

it being noted that the Strategic Priorities and Policy Committee heard a delegation from M. Wallace, London Development Institute (LDI) and received a communication dated February 26, 2023 from C. Butler with respect to this matter.

Motion made by: S. Lewis

Motion to approve clause 2.1, excluding Business Case 11:

That, on the recommendation of the Deputy City Manager, Finance Supports, the report dated February 28, 2023, regarding the 2023 Assessment Growth Funding Allocation BE RECEIVED for information, excluding Business Case #11 Police Services: Increase Complement.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

Motion made by: S. Lewis

That Business Case #11 Police Services: Increase Complement BE RECEIVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, D. Ferreira, and S. Hillier

Nays: (1): S. Franke

Absent: (1): S. Trosow

Motion Passed (13 to 1)

8.3 4th Report of the Planning and Environment Committee

Motion made by: S. Lehman

That the 4th Report of the Planning and Environment Committee, BE APPROVED,

it being noted that any and all written submissions relating to application(s) that were made to the Planner on file, the Planning and Environment Committee and to the Municipal Council, as well as oral submissions made at the public meeting held under the Planning Act have been, on balance, taken into consideration.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: S. Lehman

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) Building Division Monthly Report - November 2022

Motion made by: S. Lehman

That the revised Building Division Monthly report for November 2022 BE RECEIVED for information. (2023-A23)

Motion Passed

3. (2.2) Building Division Monthly Report - December 2022

Motion made by: S. Lehman

That the Building Division Monthly report for December 2022 BE RECEIVED for information. (2023-A23)

Motion Passed

4. (2.3) 3rd Report of the Community Advisory Committee on Planning

Motion made by: S. Lehman

That, the 3rd Report of the Community Advisory Committee on Planning, from its meeting held on February 8, 2023, BE RECEIVED for information. (2023-A02)

Motion Passed

5. (2.4) 3095 and 3105 Bostwick Road - Talbot Village Subdivision Phase 7 - Special Provisions (39T-21502_7)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Topping Brothers Land Corp./Topping Family Farm Inc., for the subdivision of land over CON ETR E PT LOT 77, situated south of Southdale Road West and west of Bostwick Road, municipally known as 3095 and 3105 Bostwick Road:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Topping Brothers Land Corp./Topping Family Farm Inc., for the Talbot Village Subdivision, Phase 7 (39T-21502_7) appended to the staff report dated February 21, 2023 as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated February 21, 2023, as Appendix "B";

c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated February 21, 2023, as Appendix "C"; and,

d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2023-D12)

Motion Passed

6. (2.5) 1602 Sunningdale Road West - Three Year Extension and Redline Revisions (39T-11503)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, based on the application by Foxwood Developments (London) Inc., for the property located at 1602 Sunningdale Road West, the Approval Authority BE ADVISED that Municipal Council supports granting a three (3) year extension of the draft plan of subdivision, submitted by Foxwood Developments (London) Inc. (File No. 39T-11503) prepared by Stantec Consulting Inc., certified David Bianchi, OLS (dated November 8, 2011), as redline revised which shows 16 low density residential blocks (reduced from 18 blocks), five (5) medium density residential blocks (reduced from 6 blocks), one (1) high density residential block, two (2) school blocks, two (2) park blocks, road widening blocks and various reserve blocks served by 14 new streets and the extension of Dyer Drive subject to the conditions contained in the staff report dated February 21, 2023 as Schedule "39T-11503". (2023-D12)

Motion Passed

7. (2.6) 2022 Annual Development Report

Motion made by: S. Lehman

That the staff report dated February 21, 2023 entitled "2022 Annual Development Report" BE RECEIVED for information. (2023-D02)

Motion Passed

8. (2.7) 54 Duchess Avenue - Heritage Alteration Permit Application (HAP23-001-L)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval to construct a new building on the property at 54 Duchess Avenue, within the Wortley Village-Old South Heritage Conservation District, BE PERMITTED as described herein and shown in Appendix C, subject to the following terms and conditions:

a) the Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with this Heritage Alteration Permit prior to issuance of the Building Permit;

b) the front porch railing to consist of painted wood with spindles set in between a top and bottom rail, if a railing is required;

- c) simulated divided lights be used to implement the two-over-two fenestration pattern of windows; and,
- d) the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed. (2023-R01)

Motion Passed

- 9. (2.9) London Plan Comprehensive Review - Preliminary Approach and Timeline

Motion made by: S. Lehman

That the staff report dated February 21, 2023 entitled "The London Plan Comprehensive Review: Preliminary Approach and Timeline", BE RECEIVED for information. (2023-D08)

Motion Passed

- 10. (2.8) 864 Hellmuth Avenue - Heritage Alteration Permit Application (HAP22-081-L)

Motion made by: S. Lehman

That the application under Section 42 of the Ontario Heritage Act seeking approval to pave a portion of the front yard for parking on the heritage designated property at 864 Hellmuth Avenue, within the Bishop Hellmuth Heritage Conservation District, BE REFERRED back to the Civic Administration to report back at the next meeting of the Planning and Environment Committee, with respect to the installation of a driveway to be contingent upon the applicant applying for both a Heritage Alteration permit and a building permit for the installation of an accessible ramp;

it being noted that the Planning and Environment Committee heard a verbal delegation and received a communication from P. McCulloch-Squires, with respect to this matter. (2023-R01)

Motion Passed

- 11. (3.1) 1930-1940 Oxford Street East (Z-9571) (Relates to Bill No. 93)

Motion made by: S. Lehman

That, on the recommendation of the Director, Planning and Development, based on the application by Oxford Seven Inc., relating to the property located at 1930-1940 Oxford Street East, the proposed by-law appended to the staff report dated February 21, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 7, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM a Restrictive Service Commercial (RSC1/RSC4/RSC5) Zone TO a Restrictive Service Commercial (RSC1/RSC2/RSC3/RSC4/ RSC5) Zone;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- Taylor Bridges, Zelinka Priamo Ltd.;

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 policies of The London Plan, including but not limited to the Key Directions and Commercial Industrial Place Type;
- the recommended amendment would facilitate the reuse of an otherwise underutilized industrial building within an existing area that already facilitates both industrial and commercial uses; and,
- the proposed amendment will assist in transitioning the area south of the railway corridor to commercial/industrial-oriented uses which are appropriate for the existing mixed-use landscape. (2023-D21)

Motion Passed

12. (4.1) Arva Sanitary Servicing Agreement

Motion made by: S. Lehman

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, and the Deputy City Manager, Planning and Economic Development, regarding the request by the Municipality of Middlesex Centre for an amendment to the servicing agreement between the Municipality and the City of London:

- a) authority BE DELEGATED the Deputy City Manager, Environment and Infrastructure, or the Deputy City Manager, Planning and Economic Development to approve an amendment to the Agreement removing the annual and five-year limits on units added;
- b) the Mayor and the City Clerk BE AUTHORIZED execute the amendment to the Agreement approved by the Deputy City Manager, Environment and Infrastructure, or the Deputy City Manager, Planning and Economic Development;
- c) the Civic Administration BE REQUESTED to ensure an amended agreement requires appropriate payment for development charges, sanitary and sewer charges; and,
- d) the staff report dated February 21, 2023 entitled "Request from Municipality of Middlesex Centre: Arva Sanitary Servicing" BE RECEIVED for information. (2023-E02)

Motion Passed

13. (4.2) Hyde Park Business Improvement Association - Community Improvement Plans

Motion made by: S. Lehman

That the communication dated January 31, 2023 from the Hyde Park Business Improvement Association, BE REFERRED to the Community Improvement Plan (CIP) And Financial Incentives Program 5-Year Review being undertaken by Civic Administration, to assess the feasibility of the Hyde Park Hamlet as a candidate for a Community Improvement Plan and financial incentives, specifically for Gainsborough Road; it being noted that the Planning

and Environment Committee received the following communications with respect to these matters:

- a communication dated February 16, 2023, from P. Sattler, MPP, London West;
- a communication dated February 16, 2023 from M. Inglis, Gymworld Inc.;
- a communication dated February 16, 2023 from V. Balazs, Owner, JAYDANCIN INC.;
- a communication dated February 16, 2023 from M. Sakr, President and Managing Director, FastSigns; and,
- a communication dated February 17, 2023 from T. Delaney, General Manager, Oxford Dodge.

Motion Passed

8.4 4th Report of the Corporate Services Committee

Motion made by: S. Lewis

That the 4th Report of the Corporate Services Committee, BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelosa, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: S. Lewis

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) Amendment to the Service Manager Administration Agreement for the 2016 Social Infrastructure Fund By-law and the Investment in Affordable Housing Program (2014 Extension) Agreement By-law (Relates to Bill No.'s 74 and 75)

Motion made by: S. Lewis

That, on the recommendation of the City Clerk, the following actions be taken:

a) the proposed by-law as appended to the staff report dated February 21, 2023 as Appendix "A" to amend By-law No. A.-7431-196 being "a by-law to approve the Service Manager Administration Agreement for the 2016 Infrastructure Fund (SIF) with the Minister of Housing and to authorize the Mayor and the City Clerk to execute the Agreement" BE INTRODUCED at the Municipal Council Meeting to be held on March 7, 2023 to authorize the Mayor and the City Clerk to execute reports required under the Agreement; and,

b) the proposed by-law as appended to the staff report dated February 21, 2023 as Appendix "B" to amend By-law No. A.-7181-333 being "a by-law to approve an agreement between The

Corporation of the City of London (the City) and the Minister of Municipal Affairs and Housing for the City to administer the Investment in Affordable Housing Program (2014 Extension); and to authorize the Mayor and the City Clerk to execute the agreement” BE INTRODUCED at the Municipal Council Meeting to be held on March 7, 2023 to authorize the Mayor and the City Clerk to execute reports required under the Agreement.

Motion Passed

3. (2.2) Appointment of Hearings Officers to Conduct Hearings under Various City of London By-laws (Relates to Bill No. 76)

Motion made by: S. Lewis

That, on the recommendation of the City Clerk, the proposed by-law as appended to the staff report dated February 21, 2023 as Appendix “A” being “A by-law to approve the appointments of Hearings Officers in accordance with By-law A.-6653-121, as amended”, BE INTRODUCED at the Municipal Council meeting to be held on March 7, 2023.

Motion Passed

4. (2.3) Contract Award: Tender No. RFT-2022-247 - Solarwinds Orion Network Performance Monitoring System Licensing, Warranty and Technical Support Services – Irregular Result

Motion made by: S. Lewis

That on the recommendation of the Director, Information Technology Services (ITS), and with the concurrence of the City Manager, the following actions be taken with respect to the Irregular Result RFT-2022-247-Solarwinds Orion Network Performance Monitoring System Licensing, Warranty and Technical Support Services single bid award recommendation, as per City of London Procurement of Goods and Services Policy Section 19.4 “Only One Bid Received”, that;

a) the Request for Tender (RFT 2022-247) submitted by Softchoice LP for an initial cost of \$103,738.87, excluding HST, for perpetual licensing and for a one (1) year term of software support, with ongoing annual software support in the amount of \$1,909.70, excluding HST, BE ACCEPTED;

b) the funding for this project BE APPROVED as set out in the Source of Financing Report as appended to the staff report dated February 21, 2023 as Appendix "A";

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

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

Motion Passed

5. (2.4) SS22-284 Single Source Personal Computing and Services (Relates to Bill No. 77)

Motion made by: S. Lewis

That, on the recommendation of the Director, Information Technology Services and with the concurrence of the City Manager, the following actions be taken, with respect to desktop computing and related technologies:

a) approval hereby BE GIVEN to enter into a three (3) year Single Source contract with an optional two (2) additional, one (1) year extensions for Personal Computing Devices and Services from CompuCom Canada Co., 1830 Matheson Boulevard, Unit 1, Mississauga, ON, Canada L4W 0B3 at a planned cost of \$991,841.64 in 2023, \$1,368,025.42 in 2024 and \$1,091,680.00 in 2025;

b) the financing for this project BE APPROVED as set out in the "Sources of Financing Report" as appended to the staff report dated February 21, 2023 as Appendix "A";

c) the proposed by-law as appended to the staff report dated February 21, 2023 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on Tuesday, March 7th, 2023 to:

i) approve the Master Agreement Adoption Agreement between CompuCom Canada Co. (the "Supplier") and The Corporation of the City of London (the "Buyer") for the "RFB Agreement #14952" for Personal Computing Devices and Services, forming a part of the By-law and attached as Appendix B; and

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

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

e) the approval hereby given BE CONDITIONAL upon the Corporation negotiating the maintaining of satisfactory prices, terms and conditions with CompuCom Canada Co. to the satisfaction of the Director, Information Technology Services and the City Solicitor's Office and subject to future budget approval; and,

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

Motion Passed

6. (2.5) Cemetery Assumption - Scottsville Cemetery and North Street United Church Cemetery

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with respect to two cemeteries known as the Scottsville Cemetery and the North Street United Church Cemetery, in the City of London, County of Middlesex, the following actions be taken:

a) the subject cemetery property located at 5190 Colonel Talbot Road, shown as Property Number One on Appendix "A" as appended to the staff report, known as the Scottsville Cemetery, BE ASSUMED by The Corporation of the City of London;

b) the subject cemetery property located at 5825 Colonel Talbot Road, shown as Property Number Two on Appendix "B" as appended to the staff report, known as the North Street United Church Cemetery, BE ASSUMED by The Corporation of the City of London; and,

c) that all administrative acts BE APPROVED to allow for the assumption of each of the two subject properties, inclusive of a future land transfer, on an amicable basis as prescribed by legislation informed by the Bereavement Authority of Ontario (BAO).

Motion Passed

7. (2.6) Licence Amending Agreement - Heritage London Foundation - Elsie Perrin Williams Estate 101-137 Windermere Road (Relates to Bill No. 78)

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, the proposed by-law as appended to the staff report dated February 21, 2023 BE INTRODUCED at the Municipal Council meeting to be held on March 7, 2023, to authorize and approve the Licence Amending Agreement between The Corporation of the City of London and Heritage London Foundation (HLF), for the licensed use of the City-owned lands known municipally as 101-137 Windermere Road, in the City of London, and to authorize the Mayor and the City Clerk to execute the Agreement.

Motion Passed

8. (2.7) Single Source Procurement SS-2023-031: Cognos Modernization Phase Two

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports, and with the concurrence of the Director, Information Technology Services, Enterprise Supports the following actions be taken with respect to the Cognos Modernization Phase Two:

a) the single proposal submitted by Newcomp Analytics, 161 Bay St Suite 2700, Toronto, ON M5J 2S1, for Cognos Modernization for a total cost of \$554,640 (excluding taxes) BE ACCEPTED in accordance with section 14.4 (e) of the Procurement of Goods and Services Policy;

b) the funding for this procurement BE APPROVED as set out in the Source of Financing Report as appended to the staff report dated February 21, 2023 as Appendix "A";

c) subject to approval of a) above, the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this contract;

d) the approval and authorization provided for in a) above, BE CONDITIONAL upon the Corporation entering into a formal contract or having a Purchase Order, or contract record relating to the subject matter of this approval; and,

e) the Mayor and City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to the actions set out in a) above.

Motion Passed

9. (2.9) 2023 Accessibility Compliance Report

Motion made by: S. Lewis

That, on the recommendation of the City Manager, the report dated February 21, 2023 with respect to the 2023 Accessibility Compliance BE RECEIVED for information purposes.

Motion Passed

10. (2.8) 2023 Tax Policy Expectations

Motion made by: S. Lewis

That, the following actions be taken with respect to the 2023 Tax Policy:

a) on the recommendation of the Deputy City Manager, Finance Supports, the report dated February 21, 2023, regarding the 2023 Tax Policy Expectations BE RECEIVED for information; and

b) the Mayor BE DIRECTED to continue advocacy to the Province, on behalf of the City of London, with respect to Municipal Property Assessment Corporation (MPAC) and the freezing/unfreezing of tax class valuations.

Motion Passed

11. (4.1) Application - Issuance of Proclamation - International Francophonie Day

Motion made by: S. Lewis

That based on the application dated February 7, 2023 from Carrefour Communautaire Francophone de London, March 20, 2023 BE PROCLAIMED International Francophonie Day.

Motion Passed

12. (4.2) Application - Issuance of Proclamation - Save Soil Day

Motion made by: S. Lewis

That based on the application dated February 16, 2023 from Conscious Planet, March 21, 2023 BE PROCLAIMED Save Soil Day.

Motion Passed

13. (4.3) Application - Issuance of Proclamation - Trans Day of Visibility

Motion made by: S. Lewis

That based on the application dated February 16, 2023 from the Diversity, Inclusion and Anti-Oppression Community Advisory Committee (DIACAC), March 31, 2023 BE PROCLAIMED Trans Day of Visibility.

Motion Passed

8.5 4th Report of the Community and Protective Services Committee

Motion made by: E. Pelosa

That the 4th Report of the Community and Protective Services Committee, BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelosa, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: E. Pelosa

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) 3rd Report of the Animal Welfare Community Advisory Committee

Motion made by: E. Pelosa

That the 3rd Report of the Animal Welfare Community Advisory Committee, from its meeting held on February 2, 2023, BE RECEIVED.

Motion Passed

3. (2.2) Housing Stability Services - Contract Amendment

Motion made by: E. Pelosa

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 February 22, 2023, related to a Housing Stability Services Contract Amendment:

a) a one-time contract amendment, as per The Corporation of the City of London Procurement of Goods and Services Policy, Section 20.3.e, BE APPROVED at a total estimated cost of \$465,000 to support the Salvation Army Centre of Hope, Housing Stability Bank;

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

c) the approval given, herein, BE CONDITIONAL upon the Corporation entering into or amending a Purchase of Service Agreements with the program. (2023-S11)

Motion Passed

4. (2.3) Property Standards Related Demolition (relates to Bill No. 79)

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the proposed by-law, as appended to the staff report, dated February 22, 2023, BE INTRODUCED at the Municipal Council meeting to be held on March 7, 2023, to approve the potential demolition of vacant buildings located at 929 Cheapside Street and 176 Piccadilly Street, under the Property Standards provisions of the Building Code Act. (2023-P10D)

Motion Passed

5. (2.4) Fence By-law (PS-6) Housekeeping Amendments (Relates to Bill No. 85)

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the proposed by-law, as appended to the staff report, dated February 22, 2023, BE INTRODUCED at the Municipal Council meeting to be held on March 7, 2023, to amend the Fence By-law, PS-6, to edit and add sections to the by-law. (2023-C01)

Motion Passed

6. (2.5) Tow Truck Business and Impound Yard Provincial Regulations Update

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 February 22, 2023, related to Tow Truck Business and Impound Yard Provincial Regulations Update:

- a) the above-noted staff report BE RECEIVED; and,
- b) the Minister of Transportation and Director of Towing BE ADVISED that for the purposes of prompt customer service and consumer protection principles the City of London recommends that its Municipal Law Enforcement Officers be authorized to enforce the Towing and Storage Safety and Enforcement Act using a partnered compliance protocol with the Province, as may be determined in further municipal consultations. (2023-C01A)

Motion Passed

7. (2.6) Kinsmen Recreation Centre Contribution Agreement (Relates to Bill No. 80)

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Neighbourhood and Community-Wide Services, the proposed by-law, as appended to the staff report dated February 22, 2023, BE INTRODUCED at the Municipal Council meeting to be held on March 7, 2023, to:

- a) approve the Green and Inclusive Community Buildings Program Contribution Agreement between His Majesty the King in right of Canada, as represented by the Minister of Intergovernmental Affairs, Infrastructure and Communities and The Corporation of the City of London, substantially in the form as appended to the above-noted by-law;
- b) authorize the Mayor and the City Clerk to execute the above-noted Green and Inclusive Community Buildings Program Contribution Agreement;
- c) delegate authority to the Deputy City Manager, Neighbourhood and Community-Wide Services, or written designate, to approve and execute any further Amendments to the above-noted Agreement if the amendments are substantially in the form of the above-noted Agreement; and,
- d) delegate authority to the Deputy City Manager, Neighbourhood and Community-Wide Services, or written designate, to undertake all the administrative, financial and reporting acts that are necessary in connection with the above-noted Agreement. (2023-R05B)

Motion Passed

8. (2.7) SS-2023-037 - London Fire Department Single Source Request for Engine and Aerials

Motion made by: E. Pelosa

That, on the recommendation of the Deputy City Manager, Neighbourhood and Community-Wide Services, the following actions be taken with respect to the staff report, dated February 22, 2023, related to the London Fire Department Single Source Request for Engine and Aerials (SS-2023-037):

- a) Fire Administration BE AUTHORIZED, in accordance with Sections 14.4(d) and (k) of the Procurement of Goods and Services Policy, to enter into negotiations with City View Specialty Vehicles, Inc., 1213 Lorimar Drive, Mississauga, Ontario, L5S 1M9, for a one-time, single source purchase with a cost of \$7,251,653 (excluding HST), for one (1) Fire Engine and two (2) Articulating Aerial Platform vehicles for the London Fire Department;
- b) the above-noted approval, BE CONDITIONAL upon The Corporation of the City of London negotiating satisfactory prices, terms, conditions, and entering into a one-time purchasing agreement with City View Specialty Vehicles, Inc. to provide one (1) Fire Engine and two (2) Articulating Aerial Platform vehicles to the London Fire Department;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with the above-noted authorization; and,

d) the funding for this procurement BE APPROVED as set out in the Source of Financing Report, as appended to the above-noted staff report. (2023-V01)

Motion Passed

9. (2.8) Request for Proposal 2022-308 - Design, Supply and Installation of Typical Playground Equipment for Multiple Parks

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 February 22, 2023, related to a Request for Proposal, 2022-308, for the Design, Supply and Installation of Typical Playground Equipment for Multiple Parks:

- a) the bid submitted by Park N Water, 9-75 First Street, Suite #253, Orangeville, ON, L9W 5B6, for the Design, Supply and Installation of new playground equipment in Cayuga Park, Carriage Hill Park, Jaycee Park, St. Lawrence Park, and Upperpoint Park, in accordance with RFP2022-308, at its bid price of \$181,883.52 (excluding HST) BE ACCEPTED;
- b) the bid submitted by New World Park Solutions Incorporated, 42 Woodway Trail, Brantford, ON, N3R 6G7, for the Design, Supply and Installation of new playground equipment in Kiwanis Park, Thompson Ravine Park, and Pawnee Park, in accordance with RFP2022-308, at its bid price of \$150,000.00 (excluding HST) BE ACCEPTED;
- c) the financing for these projects BE APPROVED as set out in the Sources of Financing Report, as appended to the above-noted staff report;
- d) the Civic Administration BE AUTHORIZED to undertake all of the administrative acts that are necessary in connection with this project; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2023-R04)

Motion Passed

10. (2.9) Request for Proposal 2022-306 - Hyde Park Village Green Natural Playground Equipment and Rubber Safety Surfacing - Irregular Result

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 February 22, 2023, related to the Request for Proposal 2022-306 for Hyde Park Village Natural Playground Equipment and Rubber Safety Surfacing:

- a) the bid submitted by Earthscape Play Inc., 7215 Wellington Road 86, Wallenstein, ON, N0B 2S0, for Natural Playground Equipment and Rubber Safety Surfacing at Hyde Park Village Green, in accordance with RFP2022-306, at its bid price of \$149,805.92 (excluding HST) BE ACCEPTED; it being noted that

the bid submitted by Earthscape Play Inc. was the only bid received that meets the City's specifications and requirements in all areas;

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

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

d) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2023-R04)

Motion Passed

11. (2.10) Strategic Priorities Infrastructure Fund for Foxfield District Park - Transfer Payment Agreement (Relates to Bill No. 81)

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 February 22, 2023, related to the Strategic Priorities Infrastructure Fund for Foxfield District Park Transfer Payment Agreement:

a) the proposed by-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on March 7, 2023, to:

i) approve the Transfer Payment Agreement between His Majesty the King in Right of the Province of Ontario, as represented by the Minister of Infrastructure, and The Corporation of the City of London for the provision of funding under the Strategic Priorities Infrastructure Fund, substantially in the form, as appended to the above-noted by-law;

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

iii) delegate authority to the Deputy City manager, Environment and Infrastructure, or written delegate, to approve any amending agreements to the above-noted Agreement, provided the amending agreements to not increase the indebtedness or liabilities of The Corporation of the City of London under the above-noted Agreement;

iv) authorize the Mayor and the City Clerk to execute any amending agreements approved by the Deputy City Manager, Environment and Infrastructure; and,

v) authorize the Deputy City Manager, Environment and Infrastructure, or their written delegate, to execute any financial reports required under the above-noted Agreement and to undertake all administrative, financial, and reporting acts necessary in connection with the above-noted Agreement; and,

b) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this matter. (2023-D04)

Motion Passed

8.6 1st Report of the Audit Committee

Motion made by: S. Lewis

That the 1st Report of the Audit Committee, BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 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

2. (1.2) Election of Vice Chair for the term ending November 30, 2023

Motion made by: S. Lewis

That Councillor S. Stevenson BE APPOINTED as Vice Chair for the term ending November 30, 2023.

Motion Passed

3. (4.1) Audit Committee High Level Overview

Motion made by: S. Lewis

That it BE NOTED the Audit Committee received a verbal presentation from the Deputy City Manager, Finance Supports with respect to the high level overview of the Audit Committee.

Motion Passed

4. (4.2) Audit Planning Report for the Year Ending December 31, 2022

Motion made by: S. Lewis

That the KPMG LLP Audit Planning Report, for the year ending December 31, 2022, BE APPROVED.

Motion Passed

5. (4.3) London Downtown Closed Circuit Television Program for the Year Ending December 31, 2022

Motion made by: S. Lewis

That the KPMG Report on Specified Auditing Procedures for the London Downtown Closed Circuit Television Program, for the year ending December 31, 2022, BE RECEIVED.

Motion Passed

6. (4.4) Internal Audit Follow Up Activities Dashboard

Motion made by: S. Lewis

That the communication from MNP, with respect to the internal audit follow up activities update dashboard, BE RECEIVED.

Motion Passed

7. (4.5) Briefing Note from Internal Auditor

Motion made by: S. Lewis

That the communication from MNP, with respect to the briefing note from the internal auditor, BE RECEIVED.

Motion Passed

8. (4.6) Neighbourhood Decision Making Program Value for Money (VfM) Audit

Motion made by: S. Lewis

That the final report dated February 6, 2023 from MNP regarding the Neighbourhood Decision Making Program Value for Money (VfM) Audit, BE APPROVED.

Motion Passed

9. Added Reports

9.1 5th Report of Council in Closed Session

Motion made by: A. Hopkins

That the 5th Report of Council, In Closed Session, BE APPROVED.

1. Property Acquisition – 21 Raywood Avenue – Wellington Gateway Project

That, on the recommendation of the Deputy City Manager, Finance Supports, with the concurrence of the Director, Construction and Infrastructure Services, on the advice of the Director, Realty Services, with respect to the property located at 21 Raywood Avenue, further described as LT 36, PL 467 (4TH); PT LT 35, PL 467 (4TH), as in 910386, in the City of London, being all of PIN 08358-0102 (LT), containing an area of approximately 4,230.21 square feet, as shown on the location map attached as Appendix “B”, for the purpose of future road improvements to accommodate the Wellington Gateway Project, the following actions be taken:

a) the offer submitted by Amber Nicole Flight (the “Vendor”), to sell the subject property to the City, for the sum of \$453,000.00 BE ACCEPTED, subject to the terms and conditions as set out in the agreement attached as Appendix “C”; and,

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

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Nays: (1): P. Van Meerbergen

Absent: (1): S. Trosow

Motion Passed (13 to 1)

9.2 5th Meeting of the Corporate Services Committee

Motion made by: S. Lewis

That the 5th Report of the Corporate Services Committee, BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: S. Lewis

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) Public Sector Salary Disclosure Act Report for the Calendar Year 2022

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports the report regarding the Public Sector Salary Disclosures Act Report for Calendar Year 2022 BE RECEIVED for information.

Motion Passed

3. (2.2) 2022 Statement of Remuneration and Expenses for Elected and Appointed Officials

Motion made by: S. Lewis

That, on the recommendation of the Deputy City Manager, Finance Supports the following actions be taken:

a) in accordance with Section 284 of the Municipal Act, 2001, the Statements of Remuneration and Expenses for Elected and Appointed Officials, as appended to the staff report dated March 6, 2023 as Appendix "A" and Appendix "B", BE RECEIVED for information;

b) in accordance with City Council resolution of March 2012, the annual report on the Mayor's Office's expenditures BE RECEIVED for information; and,

c) in accordance with City Council Travel and Business Expenses Policy, the Statement of Travel Expenses for Senior Administration Officials, as appended to the staff report dated March 6, 2023 as Appendix "C" and "D", BE RECEIVED for information.

Motion Passed

4. (2.3) Ombudsman of Ontario - Closed Meeting Complaint

Motion made by: S. Lewis

That the report dated February 24, 2023 from P. Dube, Ombudsman of Ontario regarding the closed meeting complaint from the meeting held on October 12, 2021 BE RECEIVED.

Motion Passed

10. Deferred Matters

None.

11. Enquiries

Councillor S. Stevenson enquiries with respect to London Cares Homelessness Response provision of 24/7 emergency drop-in space. The Deputy City Manager, Social and Health Development provides information to the Council with respect to this matter.

12. Emergent Motions

None.

13. By-laws

Motion made by: A. Hopkins

Seconded by: S. Lehman

That Introduction and First Reading of Bill No.'s 73 to 93, BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelosa, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

Motion made by: P. Cuddy

Seconded by: H. McAlister

That Second Reading of Bill No.'s 73 to 93, BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelosa, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

Motion made by: P. Cuddy
Seconded by: C. Rahman

That Third Reading and Enactment of Bill No.'s 73 to 93, BE APPROVED.

Yeas: (14): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Absent: (1): S. Trosow

Motion Passed (14 to 0)

Motion made by: S. Lewis
Seconded by: H. McAlister

That Introduction and First Reading of Added Bill No. 94, BE APPROVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Nays: (1): P. Van Meerbergen

Absent: (1): S. Trosow

Motion Passed (13 to 1)

Motion made by: C. Rahman
Seconded by: J. Pribil

That Second Reading of Added Bill No. 94, BE APPROVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Nays: (1): P. Van Meerbergen

Absent: (1): S. Trosow

Motion Passed (13 to 1)

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

That Third Reading and Enactment of Added Bill No. 94, BE APPROVED.

Yeas: (13): Mayor J. Morgan, H. McAlister, S. Lewis, P. Cuddy, S. Stevenson, J. Pribil, C. Rahman, S. Lehman, A. Hopkins, S. Franke, E. Pelozza, D. Ferreira, and S. Hillier

Nays: (1): P. Van Meerbergen

Absent: (1): S. Trosow

Motion Passed (13 to 1)

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

Bill No. 73	By-law No. A.-8337-53 - A by-law to confirm the proceedings of the Council Meeting held on the 7th day of March 2023. (City Clerk)
Bill No. 74	By-law No. A.-7431(a)-54 - A bylaw to amend By-law No. A.-7431-196, being “a by-law to approve the Service Manager Administration Agreement for the 2016 Social Infrastructure Fund (SIF) with the Minister of Housing and to authorize the Mayor and the City Clerk to execute the Agreement.” (2.1a/4/CSC)
Bill No. 75	By-law No. A.-7181(a)-55 - A by-law to amend By-law No. A.-7181-333, being “a by-law to approve an agreement between The Corporation of the City of London (the City) and the Minister of Municipal Affairs and Housing for the City to administer the Investment in Affordable Housing Program (2014 Extension); and to authorize the Mayor and the City Clerk to execute the agreement.” (2.1b/4/CSC)
Bill No. 76	By-law No. A.-8338-56 - A by-law to approve the appointments of Hearings Officers in accordance with By-law A.-6653-121, as amended, being “A by-law to establish the positions of Hearings Officer”. (2.2/4/CSC)
Bill No. 77	By-law No. A.-8339-57 - A by-law to approve the Master Agreement Adoption Agreement to the Master Agreement between The Corporation of the City of London and CompuCom Canada Co.; and to authorize the Mayor and City Clerk to execute the Master Agreement Adoption Agreement. (2.4c/4/CSC)
Bill No. 78	By-law No. A.-8340-58 - A by-law to authorize and approve a Licence Amending Agreement between Heritage London Foundation and the City, covering the licensed use of the City owned property at 101-137 Windermere Road, in the City of London, and to authorize the Mayor and the City Clerk to execute the Agreement. (2.6/4/CSC)
Bill No. 79	By-law No. A.-8341-59 - A by-law to approve the potential demolition of vacant buildings at 929 Cheapside Street and 176 Piccadilly Street under the Property Standards provisions of the Building Code Act. (2.3/4/CPSC)
Bill No. 80	By-law No. A.-8342-60 - A by-law to approve and authorize the execution of the Green and Inclusive Community Buildings Program Contribution Agreement between His Majesty the King in right of Canada, as represented by the Minister of Intergovernmental Affairs, Infrastructure and Communities and The Corporation of the City of London (2.6/4/CPSC)
Bill No. 81	By-law No. A.-8343-61 - A by-law to approve and authorize the execution of the Transfer Payment Agreement between His Majesty the King in Right of the Province of Ontario, as represented by the Minister of Infrastructure for the Province of Ontario and The Corporation of the City of London for the provision of funding under the Strategic Priorities Infrastructure Fund. (2.10/4/CPSC)
Bill No. 82	By-law No. A.-8344-62 - A by-law to establish a Pilot Project for Electric Kick-Scooters and for Cargo Power-Assisted Bicycles, for use on highways and bicycle lanes, (not sidewalks) in the City of London. (2.3a/4/CWC)

Bill No. 83	By-law No. A-54-23012 - 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" to designate the Electric Kick-Scooter and Cargo Power-assisted Bicycle By-law. (2.3e/4/CWC)
Bill No. 84	By-law No. PR-2-23007 - A by-law to amend By-law No. PR-2, entitled "A by-law relating to the use, protection and regulation of Public Parks and Recreation Areas in the City of London" (2.3d/4/CWC)
Bill No. 85	By-law No. PS-6-23004 - A by-law to amend the Fence By-law PS-6 to edit and add sections to the By-law. (2.4/4/CPSC)
Bill No. 86	By-law No. PS-114-23006 - A by-law to amend By-law PS-114 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London." (2.7/4/CWC)
Bill No. 87	By-law No. PS-114-23007 - A by-law to amend By-law PS-114 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London." (2.8/4/CWC)
Bill No. 88	By-law No. PS-114-23008 - A by-law to amend By-law PS-114 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London." (2.3b/4/CWC)
Bill No. 89	By-law No. S-1-23017 - A by-law to amend By-law No. S-1, entitled "A by-law to provide for the Regulation of Streets". (2.3c/4/CWC)
Bill No. 90	By-law No. S.-6218-63 - A by-law to lay out, constitute, establish, name, and assume lands in the City of London as public highway to be known as Victory Court. (Chief Surveyor – pursuant to the Huron Industrial C1 Lands development)
Bill No. 91	By-law No. S.-6219-64 - A by-law to assume certain works and services in the City of London. (Sunningdale West Subdivision – Phase 2; 33M-782) (Deputy City Manager, Environment & Infrastructure)
Bill No. 92	By-law No. W.-5689-65 - A by-law to authorize Project RT1430-1B - Wellington Gateway – Land Rapid Transit. (6.4/3/CSC)
Bill No. 93	By-law No. Z.-1-233090 - A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1930 & 1940 Oxford Street East. (3.1/4/PEC)
Bill No. 94	By-law No. A.-8345-66 - A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and Amber Nicole Flight for the acquisition of the property located at 21 Raywood Avenue in the City of London for the Wellington Gateway Project, and to authorize the Mayor and the City Clerk to execute the Agreement. (6.1/4/CSC)

14. Adjournment

Motion made by: P. Cuddy
Seconded by: S. Stevenson

That the meeting BE ADJOURNED.

Motion Passed

The meeting adjourned at 2:15 PM.

Josh Morgan, Mayor

Michael Schulthess, City Clerk

Appendix B – Location Map

21 Raywood Avenue



Appendix C – Agreement of Purchase and Sale

AGREEMENT OF PURCHASE AND SALE

PURCHASER: THE CORPORATION OF THE CITY OF LONDON

VENDORS: AMBER NICOLE FLIGHT

REAL PROPERTY:

Address: 21 Raywood Avenue, London, ON N6C 1Y4

Location: South side of Raywood Avenue, East side of Wellington

Measurements: 393 m²/ 4,230.21 ft² (Irregular)

Legal Description: LT 36, PL 467(4th); PT LT 35, PL 467 (4th)
as in 910386; London
being all of PIN 08358-0102 (LT), (the "Property")

1. **OFFER TO PURCHASE:** The Purchaser agrees to purchase the Property from the Vendors in accordance with the terms and conditions as set out in this Agreement.
2. **SALE PRICE:** The purchase price shall be FOUR HUNDRED AND FIFTY-THREE THOUSAND DOLLARS CDN (\$453,000) payable as follows:
 - a) a deposit of Two Dollars (\$2.00) cash or cheque on the date hereof as a deposit; and
 - b) the balance of the sale price, subject to adjustments, in cash or by cheque on completion of this Agreement.
3. **ADJUSTMENTS:** Any unearned fire insurance premiums, rents, mortgage interest, realty taxes including local improvements rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to the Purchaser.
4. **SCHEDULE(S):** The following Schedule(s) form(s) part of this Agreement:

Schedule "A" Additional Terms and Conditions
5. **IRREVOCABILITY:** This Offer shall be irrevocable by the Vendors until considered by the Council of the Corporation of the City of London at a meeting to be held no later than **March 10th 2023**, after which date, if not accepted by Council, this Offer shall be null and void and the deposit shall be returned to the Purchaser in full without interest or deduction.
6. **TITLE SEARCH:** The Purchaser shall be allowed until 4:30 p.m. on **March 31st 2023** (Requisition Date) to examine the title to the Property and at its own expense and to satisfy itself that there are no outstanding work orders or deficiency notices affecting the Property, that its present use may be lawfully continued and that the principal building may be insured against risk of fire.
7. **COMPLETION DATE:** This Agreement shall be completed by no later than 4:30 p.m. on **May 4th, 2023**. Upon completion, vacant possession of the Property shall be given to the Purchaser unless otherwise provided for in this Agreement.
8. **NOTICES:** Any notice relating to or provided for in this Agreement shall be in writing.
9. **HST:** If this transaction is subject to Harmonized Sales Tax (HST) then such HST shall be in addition to and not included in the sale price, and HST shall be collected and remitted in accordance with applicable legislation. If this transaction is not subject to HST, the Vendor agrees to provide, on or before completion, to the Purchaser's solicitor, a certificate in a form satisfactory to the Purchaser's solicitor certifying that the transaction is not subject to HST.
10. **FUTURE USE:** The Vendor and the Purchasers agree that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement.
11. **TITLE:** Provided that the title to the Property is good and free from all restrictions and encumbrances, except as otherwise specifically provided in this Agreement. If within the specified times referred to in paragraph 6 any valid objection to title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to the Vendors and which Vendors are unable or unwilling to remove, remedy or satisfy and which the Purchaser will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and any deposit paid shall be returned without interest or deduction and the Vendor shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, the Purchaser shall be conclusively deemed to have accepted Vendor's title to the Property.
12. **DOCUMENTS AND DISCHARGE:** The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title to the Property except such as are in the possession or control of Vendors. If

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

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

We, the undersigned Vendors agree to the above offer.

SIGNED, SEALED AND DELIVERED IN WITNESS whereof we hereunto set our hand and seal.

Witness:

Amber Nicole Flight

Feb. 8/23

Date

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

IN WITNESS WHEREOF The Corporation of the City of London hereto has hereunto caused to be affixed its Corporate Seal attested by the hands of its proper signing officers pursuant to the authority contained in By-law No. _____ of the Council of The Corporation of the City of London passed the _____ day of _____, 2023.

THE CORPORATION OF THE CITY OF LONDON

Josh Morgan, Mayor

Michael Schulthess, City Clerk

VENDOR'S LAWYER: _____

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

SCHEDULE "A"

1. **LEGAL COSTS:** As set out in Section 32 of the *Expropriations Act* the City agrees to pay the Vendor's reasonable legal and appraisal costs to complete this transaction, including fees up to \$2,800.00 plus disbursements and applicable taxes, subject to assessment, if necessary.
2. **INSURANCE:** All buildings on the Property and all other things being purchased shall be and remain until completion at the risk of the Vendors. Pending completion, the Vendors shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, the Purchaser may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion.
3. **STATEMENT OF ADJUSTMENTS:** The Vendors shall provide the Purchaser with the Statement of Adjustments and fully executed copies of any further final and irrevocable directions and re-directions regarding payment of the balance of the Purchase Price (as defined in Section 2 of this Agreement) as the Vendors may require (collectively, the "Direction re: Funds"), by no later than 4:00 p.m. on the 6th business day that precedes the Closing Date (as defined in Section 7 of this Agreement or otherwise agreed upon by the parties), failing which, at the sole option of the Purchaser, the Closing Date may be extended to a date up to ten (10) business days after the Purchaser's receipt of the Direction re: Funds.
4. **RIGHT OF INSPECTION:** The Purchaser or an agent of the Purchaser shall be entitled to enter and inspect the property including all dwellings and buildings prior to the closing of this Agreement.
5. **REPLACEMENT PROPERTY:** The Purchaser agrees to pay reasonable legal expenditures incurred in acquiring a similar replacement property, providing a claim is made by the Vendors within one year of the Completion Date of this transaction, and such expenses are pre-approved by the City at their sole discretion. The Vendors shall be responsible to apply to the Ministry of Finance for any eligible reduction to the payment of the Land Transfer Tax for the purchase of the replacement property, in accordance with Section 1(2) of the *Land Transfer Tax Act, RSO 1990, cL6*, and such amounts shall not be recoverable under this clause. This condition shall survive and not merge upon the completion of this Agreement.
6. **SECTION 18 OF THE EXPROPRIATIONS ACT:** Pursuant to section 18 of the *Expropriations Act* the Purchaser shall pay to the Vendors an allowance of five per cent of the compensation payable in respect of the market value of the lands herein, being \$22,500, upon completion of this transaction.
7. **SECTION 20 OF THE EXPROPRIATIONS ACT:** With respect to any prepayment of mortgage, the Purchaser agrees to pay compensation for any bonus legally payable and for any loss incurred by reason of a difference in interest rates upon completion as set out in section 20 of the *Expropriations Act*, including compensation for increased mortgage payments, up to a total additional payment of \$2,500.00 to be paid upon completion.
8. **RELEASE:** On or before closing, the Vendor shall provide the Purchaser a full and final release in the Purchaser's form releasing and discharging the Purchaser for and from all actions, causes of actions, suits, claims and demands of every nature or kind available under the *Expropriations Act R.S.O. 1990, c. E.26* arising out of or in any way related to or connected with this transaction 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 this transaction.
9. **VACANT POSSESSION:** The Vendor agrees to leave the Property in a clean, broom-swept condition, free and clear of all refuse, hazardous and other waste material, garbage or other loose or objectionable materials, all chattels, fixtures, and rental items including hot water heater upon closing. Should the Vendor be unable to fulfill the terms of this condition prior to completion, the Purchaser may hold back an amount up to Three Thousand Dollars (\$3,000.00) from the Purchase Price due on closing, as determined by the Purchaser in their sole discretion, to be contributed towards the Purchaser's reasonable costs to clean the Property and remove any left-over materials.
10. **RENTAL ITEMS/EXCLUDED FIXTURES:** The Purchaser will not assume the rental contract for any equipment, which shall be paid out prior to closing.
11. **CHATELS INCLUDED:** Refrigerator, stove/oven, dishwasher, washing machine, and dryer.

Appendix A – Source of Financing Report

Appendix "A" Confidential

#23033

February 21, 2023
(Property Acquisition)

Chair and Members
Corporate Services Committee

RE: Property Acquisition - 21 Raywood Avenue - Wellington Gateway Project
(Subledger LD220038)
RT1430-1B - Wellington Gateway - Land Rapid Transit
Amber Nicole Flight

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
Land Purchase	28,492,900	21,569,785	497,036	6,426,079
Total Expenditures	\$28,492,900	\$21,569,785	\$497,036	\$6,426,079
Sources of Financing				
Capital Levy	3,005,102	2,268,281	52,268	684,553
Drawdown from City Services - Roads Reserve Fund (Development Charges) (Note 1)	21,487,798	19,301,504	444,768	1,741,526
Debenture Quota (Serviced through City Services - Roads Reserve Fund (Development Charges))(Note 1)	4,000,000	0	0	4,000,000
Total Financing	\$28,492,900	\$21,569,785	\$497,036	\$6,426,079
Financial Note:				
Purchase Cost	\$453,000			
Add: Disturbance Allowance and Compensation	25,000			
Add: Legal Fees	5,000			
Add: Land Transfer Tax	5,535			
Add: HST @13%	62,790			
Less: HST Rebate	-54,289			
Total Purchase Cost	<u>\$497,036</u>			

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



Jason Davies
Manager of Financial Planning & Policy

jg