
Government Management Committee

Meeting No. 7
Meeting Date Tuesday, September 18, 2007
Start Time 9:30 AM
Location Committee Room 1, City Hall

Contact Yvonne Davies, Committee Administrator
Phone 416-392-7443
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Government Management Committee		
Councillor Gloria Lindsay Luby, Chair Councillor Bill Saundercook, Vice-Chair	Councillor Paul Ainslie Councillor Doug Holyday	Councillor Clifford Jenkins Councillor Cesar Palacio

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Declarations of Interest under the *Municipal Conflict of Interest Act*

Speakers/Presentations – A complete list will be distributed at the meeting

Schedule of Timed Items – 11:00 a.m. – GM7.1
1:30 p.m. - GM7.5
1:30 p.m. - GM7.6

Confirmation of Minutes – July 6, 2007

Communications/Reports**(Deferred from July 6, 2007 - 2007.GM6.1)**

GM7.1	ACTION	11:00 AM		Ward: All
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Motion Regarding Council Member 'Read Only' Access to the Integrated Business Management System (IBMS)

(May 28, 2007) Report from City Manager

Recommendations

It is recommended by the City Manager that:

1. Staff continue to provide information (e.g. memos, reports, in-person updates) to Members of Council and their staff in accordance with legislative requirements and the recognition of maintaining the confidentiality of the law enforcement information contained within the Integrated Business Management System (IBMS).

Financial Impact

There are no financial implications resulting from this report.

Summary

This report responds to the Government Management Committee motion of April 12, 2007 that recommend; “Staff report to the next meeting of the General Government Committee on the feasibility of allowing Councillors and their staff “read-only” access to the IBMS system.”

Members of Council and their staff are provided information from IBMS in accordance with legislative requirements and the recognition of maintaining the confidentiality of the law enforcement information contained within the system.

Background Information

Staff Report on the Motion Regarding Council Member 'Read Only' Access to the Integrated Business Management System (IBMS)

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6417.pdf>

GM7.2	ACTION			Ward: All
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Use of Collection Agencies to Collect Parking Fines

(August 27, 2007) Report from Treasurer

Recommendations

The Treasurer recommends that:

1. Parking fines outstanding for more than eight (8) years not be forwarded to a collection agency for collection where an individual, or individual licence plate, owes less than \$300 in accumulated fines.
2. In addition to the current contract requirements stipulating that collection agencies pursuing unpaid City of Toronto parking fines must comply with all federal, provincial and municipal laws and regulations, including the *Collection Agencies Act*, and use a goodwill approach in their collection efforts, future contracts awarded to collection agencies for the collection of unpaid parking fines include appropriate wording/clauses to effectively require the agencies to adhere to the following additional terms:
 - a) Collection agencies must not contact debtors prior to 9:00 a.m. or after 8:00 p.m. Monday through Friday;
 - b) Collection agencies not call debtors on weekends or Statutory Holidays;
 - c) Collection agencies must not use automated telephone diallers for parking fines older than five (5) years;
 - d) Collection agencies must provide debtors with the City of Toronto's parking tag web-site and phone line number and the Ministry of Government Services' contact information (including phone number) in any correspondence sent to the debtor; and, when requested by the debtor;
 - e) Collection agencies must document and forward to the City any and all complaints received by the collection agency within 72 hours of the complaint being made. The documentation must identify the debtor's name, telephone number, the nature of the complaint, and a detailed explanation of the resolution attempted or made; and
 - f) Where complaints are received and are being investigated by the City, collection agencies must provide any information and documentation as requested by the City within 72 hours of such requests.
3. The collection agencies currently under contract with the City to collect unpaid parking fines be advised in writing of the additional requirements identified in recommendation 2 above.
4. The Directors of Revenue Services and Court Services, through the Treasurer, report to Government Management Committee recommending a policy establishing protocols and thresholds under which *Provincial Offences Act* accounts receivable, including parking fines, shall be deemed uncollectible and therefore eligible for write-off

consistent with the write-off directive and operating guideline published by the Ministry of the Attorney General.

Financial Impact

Staff does not foresee any significant financial impact associated with the adoption of the recommendations contained in this report. Unpaid parking fines will continue to be pursued through the plate denial process and, where appropriate, through the use of collection agencies.

The City collects approximately \$80 million annually on all parking fines issued. The removal of the collection agencies as a tool to assist in the collection of fines older than eight (8) years is expected to reduce parking fine revenue by an insignificant amount (in or about \$10,000 annually).

Any financial impacts associated with the possible write-off of unpaid parking fines will be provided in the future report regarding a policy establishing protocols and thresholds under which parking fines shall be deemed uncollectible and therefore eligible for write-off.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

As requested by the Government Management Committee, staff have reviewed a communication package (dated April 18, 2007) and recommendations presented to the Committee by Councillor Howard Moscoe, Chair, Licensing and Standards Committee with regard to the use of collection agencies to collect unpaid parking fines. This report: i) responds to the questions raised in Councillor Moscoe's communication package to Committee; and, ii) recommends changes in how collection agencies are used by the City to collect unpaid parking fines.

Background Information

Report-Use of Collection Agencies to Collect Parking Fines
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6453.pdf>

Appendix 2-GM7.2

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6454.pdf>

GM7.3	Information			Ward: All
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Largest Property Tax Debtors with Arrears Greater than \$500,000 as at June 30, 2007

Confidential - Personal matters about an identifiable individual, including municipal or local board employees (Confidential Attachment 2)

(August 28, 2007) Report from Treasurer

Financial Impact

There are no financial implications as a result of this report.

Summary

To provide information on property tax accounts with outstanding receivables of \$500,000 or more as at June 30, 2007.

This report contains two attachments. Attachment 1 is public information, and lists properties owned by a corporation with tax arrears of \$500,000 or more. Attachment 2 is confidential, and lists properties owned by individuals with tax arrears of \$500,000 or more. The Municipal Freedom of Information and Protection of Privacy Act prevents the public disclosure of the information contained in Attachment 2.

The confidential information contained in Attachment 2 should remain confidential, as it relates to personal information about identifiable individual(s), and as such may not be disclosed under the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

Background Information

Report-Largest Property Tax Debtors with Arrears Greater than \$500,000 as at June 30, 2007
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6455.pdf>)

Attachment 1-GM7.3

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6456.pdf>)

Confidential Attachment 2-GM7.3 (1 of 2)

Confidential Attachment 2-GM7.3 (2 of 2)

GM7.4	ACTION			Ward: 32
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Write-off of Taxes Levied in Error for 118 Enderby Road

(August 20, 2007) Report from Treasurer

Recommendations

The Treasurer recommends that:

1. Council approve the write off of municipal and education property taxes for the years 2003 through 2005, including accrued interest and penalties, for the City-owned property located at 118 Enderby Road.
2. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

Writing off the taxes for 2003 to 2005 would result in a reduction in the municipal portion of property tax revenue, including associated interest and penalty, of \$74,010, as shown in Table 1. The \$74,010 write-off of municipal taxes, interest and penalty will be funded from the 2007 Non Program Tax Deficiency Account. The education portion totalling \$48,096 will be recoverable from the Province.

Table 1: Outstanding Property Taxes and Accrued Interest and Penalty Charges
118 Enderby Road – taxation years 2003 to 2005
(as at September 28, 2007)

Tax Year	Total Taxes Levied			Payment Received	Outstanding Balance as at September 2007				
	Municipal	Education	Total		Municipal	Interest & Penalty	Sub-Total: Municipal + Penalty	Education	Total Outstanding
2003	\$16,143	\$16,061	\$32,204	\$0	\$16,143	\$8,276	\$24,419	\$16,061	\$40,480
2004	\$16,354	\$16,042	\$32,396	\$0	\$16,354	\$8,324	\$24,678	\$16,042	\$40,720
2005	\$16,553	\$15,993	\$32,546	\$0	\$16,553	\$8,360	\$24,913	\$15,993	\$40,906
Total	\$49,050	\$48,096	\$97,146	\$0	\$49,050	\$24,960	\$74,010	\$48,096	\$122,106

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

This report seeks Council authority to write off property taxes for the City-owned property located at 118 Enderby Road. These taxes were levied from 2003 to 2005 due to an error made by the provincial Land Registry Office.

Section 319 of the City of Toronto Act, 2006 allows the City to write off taxes without conducting a tax sale if a tax sale would be inappropriate in the circumstances or if the property is owned by the City. In this case, it is inappropriate to conduct a tax sale given that the City has continuously owned this property since 1971 and the taxes levied are the result of an error made by the provincial Land Registry Office.

Background Information

Report-Write-off of Taxes Levied in Error for 118 Enderby Road
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6459.pdf>)

GM7.5	ACTION	1:30 PM		Ward: All
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Apportionment of Property Taxes – September 2007 Hearing

Statutory - City of Toronto Act, 2006

(August 21, 2007) Report from Treasurer

Recommendations

The Treasurer recommends that:

1. The property tax in the amounts identified in Appendix A and Appendix B, under the columns entitled “Apportioned Tax” and “Apportioned Phase In/Capping”, be approved.
2. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

Appendices A and B identify that approximately \$18,406.18 (as at August 20, 2007) in penalty/interest charges has accumulated on the tax accounts pending the initiation of the process to reallocate the taxes. This amount, and any other interest that will accumulate on the accounts pending the finalization of the process, will be written off. Funding for the write-off of the interest/penalty amount is provided for in the 2007 Tax Penalty Account (Non-Program Budget).

With the exception of the penalty/interest amounts that will be written off, the reallocation of the property taxes from one account to other accounts has no financial impact on the City of Toronto and merely serves to secure the City’s revenues.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

In December of each year, the Municipal Property Assessment Corporation (MPAC) provides municipalities with an Assessment Roll containing property assessment data. The information included on the Assessment Roll should reflect the property characteristics (e.g. legal description, ownership and property class) as of November of that year. The Assessment Roll data is used by municipalities to calculate the following year’s property taxes.

If after the Assessment Roll is provided to municipalities, a property is severed and split it into two or more parcels of land (e.g. when a single property is redeveloped into condominiums/townhouses/new homes), then any taxes that remain unpaid on the single

property (which no longer exists once the property is re-developed) may need to be removed from the original property and divided amongst the newly developed properties.

MPAC is responsible for apportioning the assessed value of the original property to the newly created properties. Based on the assessment apportionment information supplied by MPAC, the City distributes the taxes from the original property to the newly created properties in portion to the assessed value. This process of redistributing taxes following the severance or re-development of a property is referred to as “the apportionment of taxes” and is governed by Section 322 of the City of Toronto Act, 2006 (COTA). The apportionment process does not change the total amount of taxes charged, but rather divides the taxes on the original property between the newly created properties.

The process to apportion taxes may be initiated by the Treasurer of a municipality or a property owner. The COTA requires that upon receipt of an application to reallocate taxes, Council must hold a public meeting at which the applicant and/or affected property owners may make submissions in defence of their position. Authority to hold such public meetings has been delegated to the Government Management Committee.

This report recommends approval of 15 applications initiated by both the Treasurer and taxpayers for the properties listed in Appendices A and B (attached).

Background Information

Report- Apportionment of Property Taxes - September 2007 Hearing
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6525.pdf>)

Appendix A-GM7.5

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6524.pdf>)

Appendix B-GM7.5

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6460.pdf>)

GM7.6	ACTION	1:30 PM		Ward: All
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Cancellation, Reduction or Refund of Property Taxes – September 2007 Hearing

Statutory - City of Toronto Act, 2006

(August 20, 2007) Report from Treasurer

Recommendations

The Treasurer recommends that:

1. The individual tax appeal applications made pursuant to section 357 of the *Municipal Act, 2001* (as continued under section 323 of the *City of Toronto Act, 2006*) resulting in tax adjustments totalling \$3,415,344.59, including reductions in Business Improvements Area charges and excluding phase-in/capping adjustments, as identified in Appendix A, be approved.

2. The individual tax appeal applications made pursuant to section 358 of the *Municipal Act, 2001* (as continued under section 325 of the *City of Toronto Act, 2006*) resulting in tax adjustments totalling \$101,829.40, including reductions in Business Improvements Area charges and excluding phase-in/capping adjustments, as identified in Appendix B, be approved.
3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

This report recommends that Council cancel, reduce or refund taxes in the amount of \$3,517,173.99 (including reductions in Business Improvement Area charges and excluding phase-in/capping adjustments) as summarized in appendices A and B, attached. The City's share of approximately \$1,594,739.32 will be funded from the 2007 Tax Deficiency Account (Non-Program Budget). The education portion totalling \$1,909,609.49 will be recovered from the province/school boards. The Business Improvement Area (BIA) reductions totalling \$12,825.18 will be funded from the respective BIA provision.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

This report deals with applications filed by taxpayers to the Treasurer under sections 357 and 358 of the *Municipal Act, 2001* as continued under section 323 and 325 of the *City of Toronto Act, 2006* (COTA). Section 323 permits Council to cancel, reduce or refund taxes in cases where, during the year, a property undergoes changes that may affect its taxes. Examples of such changes are when a property is destroyed by fire or demolished, or it becomes exempt from taxation, or is reclassified due to a change in its use. Under section 325 of the COTA, taxpayers can request a cancellation, reduction or refund of taxes when an error in the assessment value is identified which results in an overcharge.

The legislation requires Council to hold a public meeting where the applicants may make submission in support of their position. Council has delegated authority to hold such public meetings to the Government Management Committee.

Revenue Services staff have mailed Notices of Hearing to affected taxpayers and recommend approval of the applications as listed in Appendices A and B of this report.

Background Information

Report-Cancellation, Reduction or Refund of Property Taxes - September 2007 Hearing

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6526.pdf>)

Appendix A-GM7.6

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6461.pdf>)

Appendix B-GM7.6

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6462.pdf>)

GM7.7	Information			Ward: All
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2006 Annual Report on Sole Source Purchasing Activity – Supplementary Information

(August 20, 2007) Report from Treasurer

Financial Impact

There are no financial implications to the City of Toronto as a result of this report.

Summary

This Report provides additional information requested by the Government Management Committee for the report on 2006 Annual Source Purchasing Activity.

Background Information

Report-2006 Annual Report on Sole Source Purchasing Activity - Supplementary Information

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6527.pdf>)

Attachment 1-GM7.7

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6528.pdf>)

GM7.8	Information			Ward: All
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Quarterly Treasurer's Report on Activities of the Accounting Services and the Purchasing and Materials Management Divisions – June 30, 2007

(August 30, 2007) Report from Treasurer

Financial Impact

There are no financial implications as a result of this report.

Summary

The purpose of this report is to inform the Committee and Council on activities of the Accounting Services and the Purchasing and Materials Management Divisions (PMMD).

This report provides a brief analysis of the performance indicators for Accounting Services and the Purchasing and Materials Management Divisions for the first six months of 2007. Staff will continue to monitor these indicators in assessing the success of the improvement initiatives that are currently underway.

Background Information

Report-Quarterly Treasurer's Report on Activities of the Accounting Services and the Purchasing & Materials Management Divisions - June 30, 2007

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6529.pdf>)

GM7.9	ACTION			Ward: All
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Information Technology Maintenance Contracts Renewal

(September 6, 2007) Report from Joseph P. Pennachetti, Deputy City Manager and Chief Financial Officer, Sue Corke, Deputy City Manager and Richard Butts, Deputy City Manager

Recommendations

The Deputy City Manager and Chief Financial Officer, the Deputy City Manager of Citizen Focused Services A and the Deputy City Manager of Citizen Focused Services B recommend that:

1. City Council grant approval, subject to Operating Budget approval in each year, to renew the contracts listed in Appendix A for a three (3) year period, at a cost not to exceed \$11,805,114.60 net of GST for 2008, \$12,623,180.05 net of GST for 2009 and \$13,333,932.89 net of GST for 2010 for a total amount not to exceed \$37,762,227.54 net of GST.
2. City Council grant authority for City Divisions to negotiate and enter into three (3) year contracts to renew the contracts listed in Appendix A, all in accordance with this Staff Report, City Policies and Procedures and in a form satisfactory to the City Solicitor.

Financial Impact

Funding totalling the following net of GST amounts will be included each year in the respective programs' Operating Budget submissions:

	2007	2008	2009	2010
Requested Amount	\$12,262,113.72	\$11,805,114.60	\$12,623,180.05	\$13,333,932.89
% Change		-3.7%	6.9%	5.6%

The average percentage change over the three (3) period is **2.9%**.

A breakdown of the amounts for each contract grouped by Division is attached as Appendix A to this Staff Report. A divisional summary, which includes the average variance with comments, is attached as Appendix B.

The requested amounts for 2008, 2009 and 2010 are the “not to exceed” amounts for the purposes of obtaining approval to negotiate the contracts in Appendix A and will be subject to Operating Budget approval in each year. The amounts are based on the current support and maintenance requirements, potential future requirements and a percentage increase each year of between 3% and 10% (which is currently the range of non-negotiated increases).

The requested amount for 2008 is lower than the 2007 reported amount for several reasons. The City was able to reduce the volume of items requiring support and maintenance through server consolidation; some contracts were re-negotiated in 2007; and in the case of some hardware contracts, as older technology was replaced, the newer technology included one (1) year support and maintenance.

With approval for three (3) years, the City may be able to negotiate costs lower than those shown in Appendix A. At a minimum, the City will save administrative costs by negotiating these contracts once, instead of annually.

Summary

The purpose of this report is to seek City Council authority to renew for a three (3) year period, information technology systems maintenance contracts listed in Appendix A, which have exceeded the \$500,000 cumulative threshold as per Municipal Code 195-10F.

The contracts listed in Appendix A are for software and hardware support and maintenance services for various applications throughout the City of Toronto which can only be provided by the vendors listed in Appendix A. Historically a Staff Report was prepared on an annual basis to City Council, however, PMMD and I&T have recommended a three (3) year approval with the expectation that this will allow City Divisions to negotiate savings with the vendors.

Background Information

Report-Information Technology Maintenance Contracts Renewal
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6463.pdf>
 Appendices A&B-GM7.9
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6481.pdf>

GM7.10	ACTION			Ward: All
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Request for Proposal 0513-07-0118 - Pharmacy Services for Homes for the Aged

(August 24, 2007) Report from General Manager, Homes for the Aged and the Director, Purchasing and Materials Management

Recommendations

The General Manager of the Homes for the Aged Division and the Director of Purchasing and Materials Management recommend that:

1. Authority be granted to the Homes for the Aged (HFA) to enter into a legal agreement with Medical Pharmacies Group Inc., being the highest scoring proponent, to provide full pharmacy services including payment of individual resident prescriptions by the Ministry of Health and Long-Term Care (MOHLTC) through the MOHLTC High Intensity Needs Program to HFA and to provide an annual lease revenue to the HFA of \$124,950.00, for a three (3) year period starting from the date of award to November 1, 2010 with an option to renew for one (1) additional two (2) year period, at the sole discretion of the General Manager of HFA.
2. Should the option to renew be exercised, then the General Manager of HFA will instruct the Director, Purchasing and Materials Management to process the necessary contract renewal under the same terms and conditions to exercise the option to renew for one (1) additional two (2) year period with the annual lease revenue to the City of \$124,950.

Financial Impact

Pharmacy services are provided at no net cost to the City. The Homes for the Aged has an obligation under provincial policy to ensure a program is in place for the provision of pharmacy services to residents. The pharmacy service provider is responsible to invoice the Ministry of Health and Long-Term Care (MOHLTC) and/or residents directly for all prescriptions dispensed.

The MOHLTC's High Intensity Needs Fund (HINF) provides funding to prevent unnecessary admission to hospitals and to enable the discharge of patients from hospitals to Long-Term Care (LTC) Homes.

All services, equipment and supplies ordered by attending physicians for individual residents under the MOHLTC High Intensity Needs Program are processed through the Division's operating budget. All expenditures are 100 percent funded on a cost recovery basis by the MOHLTC through the HINF. The annual gross expenditure for pharmaceutical products purchased through the High Intensity Needs program is estimated at \$400,000.00 net of GST.

Funding is available in the Homes for the Aged 2007 Operating Budget in account D3*170 in various accounts such as 2823 and 2820 in the estimated amount of \$66,667.00 net of GST for the required portion of the contract from the date of award to December 31, 2007. The balance of the funds in the estimated amount of \$1,133,333 net of GST will be included in the Homes for the Aged Operating Budget submissions for 2008 through 2010. Should the City choose to exercise its options to renew for one (1) additional (2) year period, the annual budget required in each of 2010/2011 and 2011/2012 will be included as part of the Homes for the Aged Annual Operating Budget submissions for those years.

The recommended proponent, Medical Pharmacies Group Inc, has agreed as an essential component of the pharmacy service, to lease space located at Castlevue-Wychwood Towers at 351 Christie Street at a fixed annual lease revenue of \$124,950.00. The total potential lease

revenue in this report is \$624,750.00 and will be allocated to account number D3B661 8630 (Other Rental Revenue). The present five (5) year legal agreement for Pharmacy Services has an annual lease revenue of \$84,000.00. The annual lease revenue increase is 48.75%.

YEAR	LEASE REVENUE			HINF PROGRAM 100% MOHLTC FUNDED		
	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT (NET OF GST)
2007	D3B661 8630	Other Rental Revenue	\$20,825	D3*170	Various accounts	\$66,667
2008	D3B661 8630	Other Rental Revenue	\$124,950	D3*170	Various accounts	\$400,000
2009	D3B661 8630	Other Rental Revenue	\$124,950	D3*170	Various accounts	\$400,000
2010	D3B661 8630	Other Rental Revenue	\$124,950	D3*170	Various accounts	\$400,000
2011	D3B661 8630	Other Rental Revenue	\$124,950	D3*170	Various accounts	\$400,000
2012	D3B661 8630	Other Rental Revenue	\$104,125	D3*170	Various accounts	\$333,333
TOTALS	\$624,750			\$2,000,000		

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

The purpose of this report is to advise on the evaluation results of the Request for Proposal (RFP) issued for the provision of full pharmacy services and the requisition of all equipment and supplies ordered by attending physicians for ten (10) Homes for the Aged locations, in accordance with divisional requirements to administer services as part of the High Intensity Needs Program and to request authority to award a contract to the recommended bidder.

Background Information

Report-Request for Proposal 0513-07-0118 - Pharmacy Services for Homes for the Aged
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6464.pdf>

GM7.11	ACTION			Ward: All
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Policy on Limiting Vendor Liability for Procurements of Specialty Goods and Services for Toronto Water, Solid Waste Management Services and Technical Services (All Wards)

(August 31, 2007) Report from General Manager of Toronto Water, General Manager of Solid Waste Management Services, Executive Director of Technical Services and City Solicitor

Recommendations

The General Manager of Toronto Water, General Manager of Solid Waste Management Services, Executive Director of Technical Services and the City Solicitor recommend that:

1. The appropriate Division Head, after consultation with the City Solicitor, be authorized to make such limitations on liability and indemnities in contracts for specialized goods and services for Toronto Water, Solid Waste Management Services and Technical Services, as they may deem appropriate in the interests of the City and in accordance with the draft policy attached to this report as Schedule A.
2. The draft policy attached to this report as Schedule A be adopted to introduce a risk assessment and due diligence approach to the procurement of specialized goods and services for Toronto Water, Solid Waste Management Services and Technical Services to more appropriately balance the requirements for the procurement of these goods and services with the industry's realistic risk acceptance to ensure more competitive and economically viable procurements.
3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

There are no immediate financial impacts resulting from the adoption of this report.

Summary

As a result of increased resistance by the specialized goods and services industry to the requirement by the City of unlimited indemnification from the vendor for every procurement, the City has experienced and will continue to experience a limited pool of vendors for the procurement of those goods and services, potentially depriving it of obtaining competitive pricing and technology from its calls. The recommended policy is intended to more realistically balance the City's needs and the specialized goods and services industry's realistic risk acceptance level. It is anticipated that the results of this draft policy will be to increase the competitiveness in the City's procurement calls for specialized goods and services to the City's benefit.

The purpose of this Report is to recommend a policy that utilizes a risk assessment approach to specialized Toronto Water, Solid Waste Management Services and Technical Services contracts to more appropriately balance the requirements for procurement of these goods and services with the specialized industries' realistic risk acceptance to ensure more competitive and economically viable procurements.

Background Information

Report-Policy on Limiting Vendor Liability for Procurements of Specialty Goods and Services for Toronto Water, Solid Waste Management Services and Technical Services (All Wards) (<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6465.pdf>)

GM7.12	ACTION			Ward: All
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3-1-1 Technology Solution Request for Proposal No. 3412-07-3010: Best and Final Offer Results

Confidential - The security of the property of the municipality or local board and receiving of advice that is subject to solicitor-client privilege (Confidential Attachment)

(September 4, 2007) Report from Deputy City Manager Sue Corke and Deputy City Manager and Chief Financial Officer Joseph P. Pennachetti

Recommendations

The 3-1-1 Executive Sponsor Deputy City Manager and the Deputy City Manager and Chief Financial Officer recommend on behalf of the 3-1-1 Steering Committee:

1. That Council adopt the instructions to staff in Confidential Attachment 1.
2. That Council authorize the public release of recommendations adopted by Council, subject to the ongoing protection of City and Proponent interests and information per the City of Toronto Municipal Code, Chapter 27 on Council Procedures, section 27-10: In-camera meetings.

Financial Impact

All financial analysis of the BAFO Proposals, including the short-term Year 1 Capital and Implementation cost findings, the longer-term Years 2 to 5 maintenance and support cost findings, the projected total Technology Solution costs, and staff recommendations are presented in Confidential Attachment 1 to this report.

Summary

The purpose of this report is to advise on the evaluation results of the Best and Final Offer Process (BAFO). This option was invoked as part of the 3-1-1 Technology Solution Request for Proposal (RFP) No. 3412-07-3010. As per Council direction in March 2007, the New Pricing RFP for the 3-1-1 Technology Solution was issued to the two pre-qualified Proponents that met all technical requirements for RFP No. 3412-06-3061. At this time, Council is being

requested to approve the Preferred Proponent recommended through this procurement process. This Preferred Proponent offers the Solution that provides the best value to the City. Recommendations to address both short and long term issues are found in the Confidential Attachment to this report.

Background Information

Report-3-1-1 Technology Solution Request for Proposal No. 3412-07-3010: Best and Final Offer Results

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6466.pdf>

Confidential Appendix A-GM7.12

Confidential Appendix B-GM7.12

Confidential Attachment 1-GM7.12

GM7.13	ACTION			Ward: 23
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North York City Centre Service Road Acquisition

Confidential - A proposed or pending acquisition or sale of land for municipal or local board purposes (Attachment 1)

(August 27, 2007) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. City Council adopt the confidential recommendations to staff in Attachment 1.
2. City Council authorize the public release of the confidential information and recommendations in Attachment 1, once the transaction has closed.
3. The Offer to Sell from the Owner of the property known as 48 Hounslow Avenue be accepted substantially on the terms outlined in Attachment 1 to this report, and that either the Chief Corporate Officer or the Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City.
4. The City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing date and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.
5. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The total cost of this acquisition will be funded from the 2007 Approved Capital Budget for Transportation Services, Capital Account CTP800-8 (North York Centre).

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

Real Estate Services seeks authority for the City to acquire the property municipally known as 48 Hounslow Ave. This property is required to expand and complete the North York City Centre Service Road.

Negotiations with the owners of this property have been ongoing since June 2007. The owners have signed an irrevocable Offer to Sell their property to the City. Appendix “A” to this report describes the salient terms of this proposed acquisition, which are considered fair and reasonable.

Background Information

Report-North York City Centre Service Road Acquisition

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6471.pdf>)

Appendix A-GM7.13

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6472.pdf>)

Confidential Attachment 1-GM7.13

GM7.14	ACTION			Ward: 18
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Request to Initiate Expropriation Process – Toronto Parking Authority Acquisition of 466 Dovercourt Road

(August 29, 2007) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. City Council grant authority to initiate the expropriation process for the property known municipally as 466 Dovercourt Road and shown on the attached Appendix “A” (the “Required Property”), for parking purposes, if staff’s negotiations with the owner of 466 Dovercourt Road do not result in a recommendable Offer to Sell the Required Property to the City.
2. City Council grant authority to serve and publish Notices of Application for Approval to Expropriate the Required Property, to forward to the Chief Inquiry Officer any requests for a hearing that may be received, to attend the hearing to present the City's position and to report the Inquiry Officer's recommendations to City Council for its consideration.
3. City Council authorize the Executive Director of Facilities and Real Estate or the Director of Real Estate Services to sign the Notices of Expropriation and Notices of Possession on behalf of the City.

Financial Impact

The cost estimate for the acquisition or expropriation of the Required Land has not yet been finalized. Funding will be provided from TPA's 2007 Capital Budget (Captor Number TPA000050) College – Dovercourt to Lansdowne. If expropriation costs significantly exceed the estimated amounts or revenue is determined not to be feasible, the City has the ability to terminate the expropriation process prior to Council's final approval. If terminated, the TPA would only be responsible for reasonable legal, appraisal and other costs incurred by affected parties.

A further report detailing the costs to acquire the Required Lands will be submitted to Council prior to the Notices of Expropriation being published.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial impact statement.

Summary

To seek approval to initiate the expropriation process for the property municipally known as 466 Dovercourt Road in order to provide the Toronto Parking Authority ("TPA") 20 public parking spaces to service short term parking needs in the area.

Background Information

Report-Request to Initiate Expropriation Process - Toronto Parking Authority Acquisition of 466 Dovercourt Road
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6530.pdf>

GM7.15	ACTION			Ward: 25
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Sale of an Unopened Road Allowance on the Northeast Corner of Overland Drive and Tottenham Road

(August 28, 2007) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. The City of Toronto accept the Offer to Purchase from Mike McSayghis and Caroline Sarkis, to purchase the City-owned property described as being Part of Overland Drive on Plan 4761, as approximately shown as Part 1 on Sketch PS-2005-040 (the "Property"), in the amount of \$512,629.00, substantially on the terms and conditions outlined in Appendix "A" to this report.
2. Each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to accept the Offer to Purchase on behalf of the City.
3. Authority be granted to direct a portion of the proceeds of closing to fund the outstanding expenses related to the Property and the completion of the sale transaction.

4. The City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing and other dates to such earlier or later date and on such terms and conditions as she may from time to time consider reasonable.

Financial Impact

Revenue in the amount of \$512,629.00 plus GST if applicable less closing costs and the usual adjustments is anticipated.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

The purpose of this report is to obtain approval for the sale of an unopened road allowance on the northeast corner of Overland Drive and Tottenham Road, being Part of Overland Drive on Plan 4761 as approximately shown as Part 1 on Sketch PS-2005-040.

The terms for completing the transaction as set out herein are considered to be fair, reasonable and reflective of market value.

Background Information

Report-Sale of an Unopened Road Allowance on the Northeast Corner of Overland Drive and Tottenham Road

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6495.pdf>)

Appendix A-GM7.15

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6496.pdf>)

Appendix B-GM7.15

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6497.pdf>)

GM7.16	ACTION			Ward: 27
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Sale of the Public Lane at the Rear of 76 Davenport Road

(September 4, 2007) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. The City of Toronto be authorized to enter into an Agreement of Purchase and Sale with the adjoining owners, Seventy-Six Davenport GP Ltd. and 964496 Ontario Limited (collectively, the “Purchaser”) for the sale of the public lane at the rear of 76 Davenport Road, shown as Part 1 on Sketch No. PS-2007-046 (the “Lane”), for a total of \$612,360.00, to be satisfied by way of a cash payment of \$344,260.00 and a contribution of additional public benefits to the City valued at \$268,100.00, substantially on the terms and conditions outlined in Appendix “A” to this report, and that each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to execute the Agreement of Purchase and Sale on behalf of the City.

2. Authority be granted to direct a portion of the proceeds of closing to fund the outstanding expenses related to the Lane and the completion of the sale transaction.
3. The City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.

Financial Impact

The City and the Purchaser have agreed that the value of the Lane is \$612,360.00. A cash payment from the Purchaser in the amount of \$344,260.00 plus GST if applicable, less closing costs and the usual adjustments is anticipated from the sale of the Lane. In addition, the City will be receiving certain benefits from the Purchaser, to be secured in a Section 37 Agreement, being the provision of an additional 2-metre pedestrian setback area to be maintained at grade along Davenport Road, in front of the proposed 76 Davenport Road building and additional publicly accessible open space areas within the proposed development, such benefits having been valued at \$268,100.00.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

The purpose of this report is to authorize the Chief Corporate Officer to enter into an Agreement of Purchase and Sale with the adjoining land owners, Seventy-Six Davenport GP Ltd. and 964496 Ontario Limited for the sale of the public lane at the rear of 76 Davenport Road.

The terms for completing the transaction, as set out herein, are considered to be fair, reasonable and reflective of market value.

Background Information

Report-Sale of the Public Lane at the Rear of 76 Davenport Road
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6498.pdf>

Appendix A-GM7.16

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6499.pdf>

Appendix B-GM7.16

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6500.pdf>

GM7.17	ACTION			Ward: 27
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80 Bloor Street West Concourse Lease Amending Agreement

(August 23, 2007) Report from Chief Corporate Officer and the Director of Real Estate, Facilities and Real Estate Division

Recommendation

The Chief Corporate Officer recommends that:

1. Council authorize the rental rate increase from \$20,254.00 per annum (\$13.00 per square foot) to \$29,602.00 per annum (\$19.00 per square foot) plus GST for the period commencing October 1, 2004 to September 30, 2014. All other terms and conditions of the lease remain the same.

Financial Impact

The Lease Amending Agreement will provide additional revenue of \$9,348 per annum which represents total revenue of \$93,480 over the Ten year term of the renewal which commences on October 1, 2004 to September 30, 2014.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agree with the financial impact information.

Summary

The purpose of this Report is to obtain Council's authority to revise the annual rental rate for 80 Bloor Street West Concourse. In accordance with the thirty-three year (33) lease agreement dated October 10, 1967 (which includes the option to renew for two further terms of 33 years each), the rental rate is to be reviewed every ten (10) years from the date the concourse area is opened for the general use of the public (October 1, 1974). This rate adjustment represents the third ten year review and covers the period from October 1, 2004 to September 30, 2014.

Background Information

Report-80 Bloor Street West Concourse Lease Amending Agreement
<http://www.toronto.ca/legdocs/mmis/2007/qm/bgrd/backgroundfile-6501.pdf>

GM7.18	ACTION			Ward: 22
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Lease Renewal - City-owned Land – Rear of 255 Spadina Road

(August 16, 2007) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. Council authorize the proposed renewal lease for the demised premises to the rear of 255 Spadina Road with Alan Howard Waldorf School commencing on September 5, 2005, at a rental of \$580.00 net per month (\$6,960.00 per annum) for the 1st and 2nd, years, \$600.00 net per month (\$7,200.00 per annum) for the 3rd and 4th years, and \$720.00 net per month (\$8,640.00 per annum) for the 5th, 6th and 7th years of the renewal term consisting of an area of approximately 5,130 square feet and based substantially on the terms and conditions as set out in the attached Appendix "A" and in a form acceptable to the City Solicitor.

2. The Chief Corporate Officer be authorized to administer and manage the lease agreement including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.

Financial Impact

The total revenue for the seven (7) year term of the lease, commencing September 5, 2005, is estimated to be \$54,240.00 net of GST. Since the Tenant has continued to occupy lands and pay the existing rent of \$540.00 per month on an overhold basis, the actual payments for that period (Sep 2005 to Sep 2007) will include only outstanding amounts, as per the terms and conditions of the renewed lease.

Period	Monthly Rent	Yearly Rental	Total
Sep 2005 to Sep 2007	\$580.00	\$6,960.00	\$13,920.00
Sep 2007 to Sep 2009-	\$600.00	\$7,200.00	\$14,400.00
Sep 2009 to Sep 2012	\$720.00	\$8,640.00	\$25,920.00
TOTAL			\$54,240.00

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

The purpose of this Report is to obtain Council's authority to renew the existing lease with Alan Howard Waldorf School for City-owned land to the rear of 255 Spadina Road, for purposes of a children's play area.

Alan Howard Waldorf School currently leases approximately 5,130 square feet of City-owned land to the rear of 255 Spadina Road at a rental of \$540.00 per month and wishes to renew the existing lease for a further term of seven (7) years along with proposed landscaping to the demised premises.

Background Information

Report-Lease Renewal - City-owned Land - Rear of 255 Spadina Road
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6531.pdf>

GM7.19	ACTION			Ward: 38
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Lease Renewals - 705 Progress Avenue

(August 16, 2007) Report from Chief Corporate Officer, and the Director of Real Estate, Facilities and Real Estate Division

Recommendations

The Chief Corporate Officer recommends that Council authorize:

1. The renewal of the existing lease for 705 Progress Avenue for Unit No. 1 with Tri-Ed Ltd. for a one (1) year term commencing on March 1, 2007 based substantially on the terms and conditions as set out in the attached Appendix “A” and in a form acceptable to the City Solicitor.
2. The renewal of the existing lease for 705 Progress Avenue for Unit Nos.11 and 12 with 938770 Ontario Limited o/a Lakeland Express for a three (3) year term commencing on July 1, 2007 based substantially on the terms and conditions as set out in the attached Appendix “B” and in a form acceptable to the City Solicitor.
3. The renewal of the existing lease for 705 Progress Avenue for Unit No. 55 with Avon Fluid System Technologies for a three (3) year term commencing on August 1, 2007 based substantially on the terms and conditions as set out in the attached Appendix “C” and in a form acceptable to the City Solicitor.
4. The renewal of the existing lease for 705 Progress Avenue for Unit Nos. 102 and 103 with NEL Group for a three (3) year term commencing on February 1, 2007 based substantially on the terms and conditions as set out in the attached Appendix “D” and in a form acceptable to the City Solicitor.
5. The Chief Corporate Officer to administer and manage the subject lease agreements including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.

Financial Impact

The total revenue from all leases is estimated to be \$141,757.25, net of GST, as follows:

Unit No.	Size (s.f.)	Term	Commencement Date of Lease	Rental Rate (p.s.f.)	Annual Revenue	Total Revenue Over Term of Lease
1	2,032	1 yr.	March 1, 2007	\$4.75	\$9,652.00	\$9,652.00
11 & 12	4,048	3 yrs.	July 1, 2007	\$4.75	\$19,228.00	
			July 1, 2008	\$5.00	\$20,240.00	
			July 1, 2009	\$5.00	\$20,240.00	\$59,708.00
102 & 103	1,973	3 yrs.	February 1, 2007	\$5.75	\$11,344.75	
			February 1, 2008	\$6.00	\$11,838.00	
			February 1, 2009	\$6.00	\$11,838.00	\$35,020.75
55	2,534	3 yrs.	August 1, 2007	\$4.75	\$12,036.50	
			August 1, 2008	\$5.00	\$12,670.00	
			August 1, 2009	\$5.00	\$12,670.00	\$37,376.50
					Total	\$141,757.25

Tenants are responsible for their share of reality taxes, building insurance and maintenance, as well as all other occupancy costs, including water, gas, hydro, heating and air conditioning.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

The purpose of this Report is to obtain Council's authority to renew four (4) existing leases for 705 Progress Avenue:

- Unit No. 1 with Tri-Ed Ltd. for approximately 2,032 sq. ft. of industrial/office space;
- Unit No. 11 and 12 with 938770 Ontario Limited o/a Lakeland Express for approximately 4,048 sq. ft. of industrial/office space;
- Unit No. 55 with Avon Fluid System Technologies Inc. for approximately 2,534 sq. ft. of industrial/office space; and
- Unit No. 102 and 103 with NEL Group for approximately 1,973 sq. ft. of industrial/office space.

Background Information

Report-Lease Renewals - 705 Progress Avenue

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6502.pdf>)

Appendices A-D-GM7.19

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6503.pdf>)

Appendix E-GM7.19

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6504.pdf>)

GM7.20	ACTION			Ward: 21
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Land Lease at 700 St Clair Avenue West

(September 4, 2007) Report from President, Toronto Parking Authority

Recommendations

The Toronto Parking Authority recommends that:

1. City Council authorize the land lease, between the City of Toronto as Tenant, the Toronto Parking Authority, and 1127990 Ontario Limited, as Landlord, for a term of fifteen (15) years, commencing no later than June 1, 2008, described as Lot 62, Plan 1365, on the terms and conditions outlined in Appendix A to this report, and in a form acceptable to the City Solicitor.
2. The TPA to administer and manage the lease including the provision of any consents, approvals, waivers, notices and notices of termination provided that the TPA may at any time refer consideration of such matters (including their content) to City Council for its determination and action.
3. The subject lands be designated for municipal parking purposes, to be operated by the TPA.
4. The appropriate City Officials be authorized to take the actions necessary to give effect thereto.

Financial Impact

Funds in the amount of \$200,000 were provided in the 2007 Capital Budget (Captor Number TPA907138). The TPA will be contributing \$153,000 towards the construction of the parking facility.

Based on our analysis, Gross Revenue is projected to be \$72,000. Operating Expenses are estimated to be \$84,000, including rent and amortization of construction costs. Although a marginal loss is expected initially, as the area improves with commercial and residential development, the performance of this parking facility is expected to be affected positively.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

The purpose of this report is to obtain the City's approval to enter into a lease for 700 St Clair Avenue West, to construct and operate an 18 space surface parking facility to service the short term parking needs in the area, on the terms and conditions outlined in the body of this report.

Background Information

Report-Land Lease at 700 St Clair Ave West

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6505.pdf>)

GM7.21	ACTION			Ward: 5
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Potential Acquisition of 915 Kipling Avenue

(September 4, 2007) Report from Chief Corporate Officer

Recommendation

The Chief Corporate Officer recommends that:

1. Staff be authorized to report directly to City Council at its meeting to be held on September 26 and 27, 2007 regarding the possible acquisition of 915 Kipling Avenue, for TTC commuter parking purposes.

Financial Impact

Funding for the acquisition of 915 Kipling Avenue is available in the TTC's 2007-2011 Year Approved Capital Plan, Project 551X (Kipling Station Redevelopment) under the 3.9 Building and Structures Project (as set out on pages 992a1 under the category Improvements approved by City Council on March 7, 2007).

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

The sale and redevelopment of portions of the Bloor/Islington transit site and the proposed construction of a regional bus terminal for Mississauga Transit and GO Transit services at the Kipling Station will displace a large number of commuter parking spaces. It has been determined that 915 Kipling Avenue (the "Property") is suitable for replacing some of these parking spaces.

The owner of the Property (the "Owner") has advised that he is prepared to execute an offer to sell ("Offer to Sell") the Property to the City and the owner and tenant of the Property have advised that they are prepared to settle all claims that may have arisen out of the initiation of expropriation proceedings in respect to the Property.

Background Information

Report-Potential Acquisition of 915 Kipling Avenue

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6506.pdf>

Appendix A-GM7.21

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-6507.pdf>