

## Government Management Committee

<b>Meeting No.</b> 6 <b>Meeting Date</b> Friday, July 6, 2007 <b>Start Time</b> 9:30 AM <b>Location</b> Committee Room 1, City Hall	<b>Contact</b> Yvonne Davies, Committee Administrator <b>Phone</b> 416-392-7443 <b>E-mail</b> ydavies@toronto.ca
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### Attendance

Members of the Government Management Committee were present for some or all of the time periods indicated under the section headed “Meeting Sessions”, which appears at the end of the Minutes.

Councillor G. Lindsay Luby, Chair	<b>x</b>
Councillor P. Ainslie	<b>x</b>
Councillor D. Holyday	<b>x</b>
Councillor C. Jenkins	<b>x</b>
Councillor C. Palacio	<b>x</b>
Councillor B. Saundercook, Vice-Chair	<b>x</b>

### Minutes

On motion by Councillor Ainslie, the Government Management Committee confirmed the minutes of its meeting held on June 12, 2007

### Communications/Reports

<b>GM6.1</b>	ACTION	Deferred		Ward: All
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### **Motion Regarding Council Member 'Read Only' Access to the Integrated Business Management System (IBMS) Deferred from June 12, 2007 meeting**

#### **Deferred from June 12, 2007 meeting**

(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.

### **Decision Advice and Other Information**

On motion by Councillor Palacio, the Government Management Committee:

1. Deferred consideration of the report (May 28, 2007) from the City Manager, to the next meeting of the Government Management Committee on September 18, 2007;
2. Requested the City Manager to report to the September 18, 2007 meeting on the following action taken by the Committee at its meeting on June 12, 2007, when it:
  - (a) directed the City Manager to meet with the IPC and with any interested Councillors, to examine the feasibility of recognizing the substantial constituency liaison component of Councillors jobs, and whether this can entitle them to basic information under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) as this is part of their official duties as Councillors; and to report back with recommendations on potential changes to Council’s MFIPPA implementation policies in this regard; and
  - (b) directed the City Manager to find a way to provide Members of Council with information regarding matters currently considered privacy protected which is required to do their jobs in serving the public and to report back to the next meeting of the Government Management Committee on July 6, 2007.
3. Requested the Information and Privacy Commissioner of Ontario to attend the meeting on September 18, 2007 and invited all members of Council to attend, to explain the reasoning behind why Toronto City Councillors, and the Mayor are not considered Officers or Employees of the Corporation (under MFIPPA).
4. Requested the City Manager to retain outside specialized legal counsel if needed, to find a way to provide members of Council with information currently considered privacy protected.

### Links to 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-5212.pdf>

GM6.2	ACTION	Adopted		Ward: All
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### Delegation of the City Clerk's Signing Authority to Staff

(June 18, 2007) Report from City Clerk

#### Recommendations

The City Clerk recommends that:

1. City Council amend Section 257-8 of the City of Toronto Municipal Code to authorize:
  - a. Elections and Registry Services Office Leads (Support Assistant A) to sign documents and affix the corporate seal on behalf of the City of Toronto in respect to matters pertaining to Community Councils and decisions of the former Councils for certification purposes only.
  - b. The Committee Administrator, Planning and Growth Management Committee to sign documents and affix the corporate seal on behalf of the City of Toronto in respect to all documents related to planning matters for certification purposes only.
2. City Council authorize the City Solicitor, in consultation with the City Clerk's Office, to introduce the necessary bill to the July 16 and 17, 2007 meeting of City Council to give effect to Recommendation 1.

#### Financial Impact

There are no financial implications associated with this report.

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

#### Summary

This report requests City Council to amend Section 257-8 of the City of Toronto Municipal Code, which delegates the City Clerk's signing authority to other City staff. The amendment would permit:

- staff of Elections and Registry Services Unit of the City Clerk's Office to produce certified copies of records at all the civic centres for the public; and
- the Planning and Growth Management Committee Administrator to produce certified copies of all documents related to planning matters.

### Committee Recommendations

On motion by Councillor Ainslie, the Government Management Committee recommended that:

1. City Council amend Section 257-8 of the City of Toronto Municipal Code to authorize:
  - a. Elections and Registry Services Office Leads (Support Assistant A) to sign documents and affix the corporate seal on behalf of the City of Toronto in respect to matters pertaining to Community Councils and decisions of the former Councils for certification purposes only.
  - b. The Committee Administrator, Planning and Growth Management Committee to sign documents and affix the corporate seal on behalf of the City of Toronto in respect to all documents related to planning matters for certification purposes only.
2. City Council authorize the City Solicitor, in consultation with the City Clerk's Office, to introduce the necessary bill to the July 16 and 17, 2007 meeting of City Council to give effect to Recommendation 1.

### Links to Background Information

Staff Report - Delegation of the City Clerk's signing authority to staff  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5352.pdf>

GM6.3	ACTION	Adopted		Ward: All
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### Policy for the Disposal of Technology Assets

(June 18, 2007) Report from Chief Information Officer, and Director of Purchasing and Materials Management

#### Recommendations

The Chief Information Officer of the Information & Technology Division, and the Director of the Purchasing and Materials Management Division recommend that:

1. Surplus working and non-working technology assets be disposed of through a technology asset disposal vendor selected through a competitive process.
2. Staff in the I&T Division continue to make available surplus technology assets as a first priority to City of Toronto grant receiving not-for-profit organizations, second priority to other not-for-profit organizations in the City of Toronto, and third priority to our partners (e.g. Soyapongo and Botswana) under the Technical Exchange Program of the Federation of Canadian Municipalities in which the City of Toronto is a participant.
3. The existing policy for the Disposition of Technology Assets adopted by Council in its session of July 22, 23 and 24, 2003, and revised by Council in its session of June 14, 15,

and 16, 2005 be superseded with this Information Technology Asset Disposal policy when adopted.

### **Financial Impact**

It is expected that there should be no cost to the City in disposing of its surplus technology assets. Should there be any costs associated with the disposal of technology assets, it is expected that these costs would be minimal and easily absorbed in the Information & Technology Division's Sustainment Program in WBS element CIT 702-01-01.

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 request a change to the existing policy for the disposal of technology assets in order to comply with the Auditor General's recommendation to ensure technology assets declared obsolete be disposed of at the earliest opportunity.

The City is seeking authority to dispose of surplus technology assets through a technology asset disposal vendor selected through a competitive process, and to continue to make available surplus technology assets for City of Toronto grant receiving not-for-profit organizations and other not-for-profit organizations in Toronto, and to the City's partners under the Technical Exchange Program of the Federation of Canadian Municipalities.

### **Committee Recommendations**

On motion by Councillor Saundercook, the Government Management Committee recommended that:

1. Surplus working and non-working technology assets be disposed of through a technology asset disposal vendor selected through a competitive process.
2. Staff in the I&T Division continue to make available surplus technology assets as a first priority to City of Toronto grant receiving not-for-profit organizations, second priority to other not-for-profit organizations in the City of Toronto, and third priority to our partners (e.g. Soyapongo and Botswana) under the Technical Exchange Program of the Federation of Canadian Municipalities in which the City of Toronto is a participant.
3. The existing policy for the Disposition of Technology Assets adopted by Council in its session of July 22, 23 and 24, 2003, and revised by Council in its session of June 14, 15, and 16, 2005 be superseded with this Information Technology Asset Disposal policy when adopted.

### **Links to Background Information**

Staff Report - Policy for the Disposal of Technology Assets

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5353.pdf>)

GM6.4	ACTION	Adopted		Ward: 11
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## **Amendment to Licence Agreement with First Service Tennis Management Inc.**

(June 20, 2007) Report from General Manager, Parks, Forestry and Recreation, & Director, Purchasing and Materials Management

### **Recommendations**

The General Manager, Parks, Forestry and Recreation and the Director, Purchasing and Materials Management recommend that:

1. Authority be granted to amend the Licence Agreement with First Service Tennis Management Inc. (“FSTM”) generally in accordance with the proposed terms and conditions set out in Appendix “A” of this report and on such other terms and conditions as may be satisfactory to the General Manager of Parks, Forestry and Recreation and in a form and content acceptable to the City Solicitor.

### **Financial Impact**

As per First Service Tennis Management Inc. response to Request for Proposal # 9155-03-7344, the current base rent of \$55,000.00 will continue.

Additional rent calculated at 15% of net revenue for the six court operation will continue for the twelve court operation up to a revised net revenue threshold of \$250,000. Above this threshold, the net revenues will be shared by a 60/40 arrangement, 60% going to the FSTM and 40% going to the City. Based on conservative revenue projections, the City will see increased yearly average revenues of 20% above the six court current operation. The current six court operation provides to the City an average of \$85,800 per year, the twelve court operation will provide an average of \$103,300 per year for the term of the agreement.

FSTM shall contribute \$11,000.00 per annum to the “Eglinton Flats Tennis Facility Maintenance Reserve Fund”, an increase from the previous amount of \$7,500.00 per annum, for the ongoing capital improvements to the facility.

At no cost to the City, First Service Tennis Management Inc. will spend approximately \$500,000.00 in capital expenditures for the installation of the second tennis bubble at Eglinton Flats Park, including but not limited to, Grade Beam construction, construction of a fire separation wall, electrical and gas connections, building permit fees and the air supported structure, including installation and lighting.

The revenue budget for rental for this site be reviewed as part of the 2009 Operating Budget process.

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

## Summary

This report requests Council's authority to amend the Licence Agreement with First Service Tennis Management Inc. to allow for the installation of a second tennis bubble over the remaining 6 tennis courts at Eglinton Flats Park.

Council's approval of the installation of a second tennis bubble will ensure a greater accessibility to low cost municipal based indoor tennis, the elimination of membership wait lists and tennis court booking wait times. The availability of 6 more indoor tennis courts will allow for the expansion of numerous successful tennis programs and the introduction of new tennis programs at Eglinton Flats Park. The installation of the second tennis bubble will be at no cost to the City and provide additional revenue to the Parks, Forestry and Recreation's operation.

## Committee Recommendations

On motion by Councillor Ainslie, the Government Management Committee recommended that:

1. Authority be granted to amend the Licence Agreement with First Service Tennis Management Inc. ("FSTM") generally in accordance with the proposed terms and conditions set out in Appendix "A" of this report and on such other terms and conditions as may be satisfactory to the General Manager of Parks, Forestry and Recreation and in a form and content acceptable to the City Solicitor.

## Declared Interests (Committee)

Councillor Bill Saundercook - Councillor Saundercook declared a conflict of interest, in that his wife plays tennis at this facility.

## Links to Background Information

Staff Report - Amendment to Licence Agreement with First Service Tennis Management Inc. (<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5354.pdf>)

GM6.5	ACTION	Amended		Ward: All
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## Apportionment of Property Taxes – Report No. 2

*Statutory - City of Toronto Act, 2006*

(June 15, 2007) Report from Treasurer

## Recommendations

The Treasurer recommends that:

1. Apportionment of 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 \$66, 866.58 (as at June 14 , 2007) in penalty/interest charges have accrued on the tax accounts subject to the apportionment of taxes . This amount, and any other interest that will accrue on the accounts pending the actual processing of the apportioned tax bills, 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 apportionment of property taxes has no financial impact on the City of Toronto. The apportionment process merely secures the City's revenue by reallocating taxes from an account(s) that has ceased to exist, to the accounts that have resulted from a severance or redevelopment.

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

### **Summary**

Section 322 of the City of Toronto Act, 2006 (COTA) permits the apportionment of property taxes when one parcel of land is split into two or more parcels, and the division of land has not yet been captured on the assessment roll for the year. The COTA allows the Treasurer or a property owner to initiate the apportionment of any unpaid taxes for the year in which the application is made, and any previous years for which taxes remain unpaid. The apportionment process does not change the total amount of taxes levied, but rather splits the taxes between the newly created parcels of land.

The COTA requires that upon receipt of an application to apportion taxes, Council must hold a public meeting at which the applicants and property owners may make representation. Authority to hold such public meetings has been delegated to the Government Management Committee.

This report recommends approval of 38 tax apportionment applications initiated by both the Treasurer and taxpayers for the properties listed in Appendices A and B (attached).

### **Committee Recommendations**

On motion by Councillor Lindsay Luby, the Government Management Committee recommended that:

1. Apportionment of 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, excluding the following applications which will be heard at a future hearing:



Page No.	Tax Year	Original Roll No.	Tax Roll No. for Apportioned Properties	Tax Apportionment	Ward No.
<b>Treasurer Initiated Applications – Appendix A:</b>					
1 of 6	2002	1904-08-4-540-03500 (910 Logan Avenue)	1904-08-4-540-03505		
			Range to:		
			1904-08-4-540-03545		
			<b>Total:</b>	<b>\$4,882.44</b>	<b>29</b>
2 of 6	2006	1904-08-3-520-07600 473 Rhodes Avenue	1904-08-3-520-7701		
	2006	1904-08-3-520-07700 477 Rhodes Avenue	Range to:		
	2006	1904-08-3-520-07800 479 Rhodes Avenue	1904-08-3-520-07850		
			<b>Total:</b>	<b>\$9,345.26</b>	<b>30</b>
<b>Taxpayers Initiated Applications – Appendix B:</b>					
1 of 1	2007	1906-03-2-330-00900 (1274 Broadview Avenue)	1906-03-2-330-00901		
			Range to:		
			1906-03-2-330-00915		
			<b>Total:</b>	<b>\$4,434.78</b>	<b>29</b>

- The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

### Decision Advice and Other Information

The Government Management Committee held a statutory hearing on Friday July 6, 2007, in accordance with the *City of Toronto Act, 2006*. No one appeared before the Committee.

### Links to Background Information

Staff Report - Apportionment of Property Taxes - Report No. 2

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5355.pdf>)

Appendix A: Apportionment Report - Treasurer Initiated Tax Apportionments (June 14, 2007)

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5356.pdf>)

Appendix B: Apportionment Report - Taxpayer Initiated Tax Apportionments (June 14, 2007)

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5357.pdf>)

GM6.6	ACTION	Adopted		Ward: 2
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## **License Agreement between City of Toronto and YWCA of Greater Toronto for the Shared Use of a Portion of Rexlington Park**

(June 11, 2007) Report from General Manager, Parks, Forestry and Recreation

### **Recommendations**

The General Manager of Parks, Forestry and Recreation Division recommends that authority be granted to negotiate and enter into a twenty (20) year License Agreement with the Young Women's Christian Association of Greater Toronto (YWCA) for the shared use of approximately 962.5 square meters in Rexlington Park to be used as a naturalized play space for the children served by the adjacent YWCA daycare facility, on weekdays during the operational hours of the facility, and in accordance with terms and conditions set out in Appendix "A" to this report and such other terms and conditions as are acceptable to the General Manager of Parks, Forestry and Recreation, and all in a form and content satisfactory to the City Solicitor.

### **Financial Impact**

The YWCA will be paying a nominal License Fee of Two Dollars (\$2.00) for the duration of the term of the License and shall be required to construct a fenced naturalized play space at no cost to the City for the shared use of the Leased Premises. The YWCA shall also be solely responsible for any and all taxes resulting from the use of the Licensed Premises, including all costs of installation and payment of all required utilities, including, but not limited to, water, hydro, gas and any other services to the Licensed Premises throughout the Licensed Term.

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 request Council authority to negotiate and enter into a twenty (20) year License Agreement with the Young Women's Christian Association of Greater Toronto (YWCA) for the shared use of approximately 962.5 square meters in Rexlington Park. This portion of the park, being referred to in this report as the Licensed Premises, will be used as a naturalized play space for children served by the adjacent YWCA childcare facility, on weekdays during the facility's hours of operation.

The proposed license for the shared use of the Licensed Premises will provide the Parks, Forestry and Recreation Division with the opportunity to develop and deliver a high quality, accessible recreational open space that will support and contribute to the quality of life of the children of the adjacent daycare facility, as well as the surrounding community.

### **Committee Recommendations**

On motion by Councillor Ainslie, the Government Management Committee recommended that authority be granted to negotiate and enter into a twenty (20) year License Agreement with the Young Women's Christian Association of Greater Toronto (YWCA) for the shared use of approximately 962.5 square meters in Rexlington Park to be used as a naturalized play space

for the children served by the adjacent YWCA daycare facility, on weekdays during the operational hours of the facility, and in accordance with terms and conditions set out in Appendix “A” to this report and such other terms and conditions as are acceptable to the General Manager of Parks, Forestry and Recreation, and all in a form and content satisfactory to the City Solicitor.

### Links to Background Information

Staff Report - Licence Agreement between City of Toronto and YWCA of Greater Toronto for the Shared Use of a Portion of Rexlington Park

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5358.pdf>

GM6.7	ACTION	Adopted		Ward: 29
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### Don Valley Brickworks - Lease of Part of 550 Bayview Avenue to Evergreen - Additional Considerations

(June 25, 2007) Report from Deputy City Manager & Chief Financial Officer, and Sue Corke, Deputy City Manager

### Recommendations

The Deputy City Manager and Chief Financial Officer and the Deputy City Manager, Sue Corke, recommend that:

1. Subject to City Council approval of Recommendations No. 2 and No. 3 below, authority be granted for the City to issue a joint and several capital loan guarantee with Toronto and Region Conservation Authority (“TRCA”) for a maximum amount not to exceed \$7.5 million (inclusive of all interest, costs and charges) (the “Guarantee”) and authority be granted to enter into any agreements or documents between the City, TRCA, Evergreen and Evergreen’s institutional or private Project lenders(s) (“Interim Project financiers”) as may be required, desirable or necessary in relation to the interim financing arrangement(s) in an amount of approximately \$18.4 million (inclusive of all interest costs and charges) (“Interim Financing”) to facilitate the construction of the Project known as “Evergreen at the Brickworks”, at 550 Bayview Avenue, all on terms and conditions satisfactory to the Deputy City Manager and Chief Financial Officer in consultation with the General Manager of Economic Development and Culture and TRCA, in form acceptable to the City Solicitor, and including the following:
  - (i) the capital loan guarantee be deemed to be in the interest of the City;
  - (ii) Council make an exception to its policy for Capital Loan and Line of Credit Guarantees for cultural and community organizations, as amended in February 2005, which establishes the total limit for all loan guarantees to \$10 million, to allow for this Guarantee without affecting the limit of the policy;
  - (iii) Evergreen be required to provide the City with an irrevocable letter of credit or similar security acceptable to the Deputy City Manager and Chief Financial

Officer, in the amount of \$0.5 million for the purposes of funding any debt service deficiencies associated with the Guarantee towards the Project for the duration of the Interim Financing, Project completion and/or possible construction liens attaching to the Project;

- (iv) any agreement(s) between the City, TRCA, Evergreen and their design build guaranteed price contractor be limited to the proposed maximum price of \$42 million, inclusive of applicable taxes (excluding recoverable GST payments), and be to the satisfaction of the Deputy City Manager and Chief Financial Officer, in consultation with the General Manager of Economic Development and Culture, TRCA and the City Solicitor;
- (v) Evergreen having secured Interim Financing arrangements from Interim Project Financier(s) who are acceptable to both the City and TRCA, and Evergreen having satisfactorily demonstrated that it has negotiated with its Interim Project Financier(s) a binding interest rate for the Interim Financing arrangements to be jointly and severally guaranteed, in part, by the Guarantee, commensurate with the City's loan guarantee and credit rating to the satisfaction of the Deputy City Manager and Chief Financial Officer;
- (vi) Evergreen having secured and being in good standing under a binding commitment from the Ontario Heritage Trust for a cash contribution for this Project in the amount of up to \$10 million and TRCA and the City, if required, being provided with a satisfactory comfort letter from Ontario Heritage Trust in that regard;
- (vii) Evergreen having secured and being in good standing under a binding commitment from Infrastructure Canada for a cash contribution for this Project in the amount of up to \$20 million and the City and TRCA, if required, being provided with a satisfactory comfort letter from Infrastructure Canada in that regard;
- (viii) Evergreen having submitted to the Deputy City Manager and Chief Financial Officer a formal business plan demonstrating to the satisfaction of Deputy City Manager and Chief Financial Officer and the General Manager of Economic Development Culture and Tourism the adequacy of projected operating cash flow from operations to retire the Interim Financing within the 4 year timeline required by recommendation 1 (ix) below;
- (ix) a further condition of the Guarantee and of the Lease be that the Interim Financing shall be repaid in full, and that the Guarantee expire, by no later than the earlier of the end of year 4 of operation of Evergreen at the Project calculated from the Commencement Date of the Lease or on earlier termination or payout of the Interim Financing;
- (x) the Guarantee be for the purposes of facilitating the funding of the construction and construction related capital costs of \$42 million, guaranteeing Project completion and/or possible construction liens attaching to the Project, and that

any material changes thereto require the prior written consent of both the TRCA and the Deputy City Manager and Chief Financial Officer of the City, in consultation with the General Manager of Economic Development and Culture;

- (xi) TRCA having approved the issuance of such Guarantee on terms and conditions satisfactory to the Chief Financial Officer of the City, in consultation with the General Manager of Economic Development and Culture, in form acceptable to the City Solicitor; and
  - (xii) those other terms and conditions as per attached Appendix “1” to this report, Sections 4 and 5, subject to such further revisions and other terms and conditions as may be satisfactory to the Deputy City Manager and Chief Financial Officer in consultation with the General Manager of Economic Development, Culture and Tourism and TRCA, all in form acceptable to the City Solicitor.
2. The authority granted in Clause 23 of Report No. 5 of the Administration Committee adopted by City Council at its meeting held on July 25, 26 and 27, 2006 to enter into a Lease with Evergreen be revised as per attached Appendix “1” to this report, subject to such further revisions and other Lease terms and conditions as may be satisfactory to the Deputy City Manager and Chief Financial Officer, in consultation with the General Manager of Economic Development, Culture and Tourism and TRCA, all in a form acceptable to the City Solicitor.
  3. City Council endorse the single perpetual Heritage Easement Agreement for the Leased Premises to be entered into between TRCA and Ontario Heritage Trust upon the terms and conditions as ultimately devised by Preservation Services and TRCA, working in co-operation with Evergreen and Ontario Heritage Trust, in form acceptable to the City Solicitor and legal counsel for TRCA.
  4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

### **Financial Impact**

The total Project capital costs anticipated by Council in July 2006 were \$38 million. Over the past year Evergreen’s plan has modified to be more sensitive to heritage site features and to be designed to a higher green standard. The current comparable cost today is \$42 million which includes a 20% construction contingency.

The public sector portion of the capital campaign has obtained commitments in the amounts of \$10 million from the Province of Ontario, and a revised contribution of \$20 million from the Government of Canada. Evergreen, a not-for-profit charitable organization, has currently raised over \$7 million in pledges toward a target of \$25 million in private donations. A total Project cost of \$55 million is estimated by Evergreen and includes the \$42 million capital cost noted above, with an additional \$13 million allowance for programming costs and an endowment for Evergreen to be funded from Evergreen’s private donation campaign. The following chart summarizes the sources and uses of funds for this Project.

Table 1 - Project Sources and Uses of Funds

Uses	Sources
\$42 million capital costs	\$10 million Ontario
	\$20 million Canada
	\$12 million Private donations
\$42 million Total capital	\$42 million Total capital
\$13 million operating programming and endowment	\$13 million Private donations
\$55 million Project TOTAL	\$55 million Project TOTAL

The timing of such funding, being in arrears, has necessitated that Evergreen acquire interim financing in an amount estimated by Evergreen at approximately \$18.4 million, inclusive of interest charges, toward the \$42 million capital costs of the Project.

Due to the nature of federal and provincial contributions being paid in arrears, Evergreen will require interim financing in the form of a loan or loans from its institutional or private lending institution(s), estimated at a maximum exposure of \$18.4 million, inclusive of debt charges, toward the \$42 million capital cost. Evergreen is therefore requesting that the City and the TRCA jointly guarantee a \$7.5 million portion of the proposed \$18.4 million Interim Financing from its Interim Project Financiers. The guaranteed portion of the Interim Financing from the City and TRCA will assist in Project cash flow management, associated with the capital costs of the Project, prior to the flow of government funding to Evergreen. All financing arrangements are to be secured prior to commencement of the Lease.

Once construction is completed, it is expected that funding commitments from the federal and provincial governments in the aggregate of \$30 million will have been fully paid to Evergreen, with the balance of the \$42 million capital cost, or \$12 million, to be funded by Evergreen's private donor campaign and operating surpluses from business activities on-site. Evergreen anticipates that the balance of outstanding Interim Financing will be fully repaid by the fourth year of operations, and thereby the City's and TRCA's Guarantee would be extinguished.

Evergreen has submitted a draft business plan for staff review in support of its Guarantee request. As Evergreen refines its business plan in final form, staff will continue to perform due diligence on the plan and related Guarantee issues, and may include further conditions pertaining to the Guarantee request to the satisfaction of the Deputy City Manager and Chief Financial Officer.

### Summary

By its adoption of Clause 23 of Report No. 5 of the Administration Committee at its meeting held on July 25, 26 and 27, 2006, City Council authorized the entering into of a lease (the "Lease") with Evergreen (formerly Evergreen Environmental Foundation) for the industrial pad portion of the Don Valley Brick Works site for its "Evergreen at the Brickworks" project (the "Project"). Through the course of detailed lease negotiations, staff have noted that the scope and total cost of the Project had changed, and several important issues have arisen that require consideration and approval by Council before the Lease can be completed.

Firstly, the estimated construction cost has increased from the \$38 million presented to Council

in July 2006 to now \$42 million. Secondly, Evergreen is requesting an increase to any loan guarantee to be provided by the City and TRCA, from \$3 million as previously estimated, to a revised amount of up to \$7.5 million commensurate with the increased Project costs. In light of this, Evergreen will provide a \$500,000 letter of security or segregated cash capital security fund as sufficient performance and/or construction lien security from Evergreen for the Project. This report also requests authority to amend certain of Council's previously approved terms and conditions for the Lease.

### **Committee Recommendations**

On motion by Councillor Palacio, the Government Management Committee recommended that:

1. Subject to City Council approval of Recommendations No. 2 and No. 3 below, authority be granted for the City to issue a joint and several capital loan guarantee with Toronto and Region Conservation Authority ("TRCA") for a maximum amount not to exceed \$7.5 million (inclusive of all interest, costs and charges) (the "Guarantee") and authority be granted to enter into any agreements or documents between the City, TRCA, Evergreen and Evergreen's institutional or private Project lenders(s) ("Interim Project financiers") as may be required, desirable or necessary in relation to the interim financing arrangement(s) in an amount of approximately \$18.4 million (inclusive of all interest costs and charges) ("Interim Financing") to facilitate the construction of the Project known as "Evergreen at the Brickworks", at 550 Bayview Avenue, all on terms and conditions satisfactory to the Deputy City Manager and Chief Financial Officer in consultation with the General Manager of Economic Development and Culture and TRCA, in form acceptable to the City Solicitor, and including the following:
  - (i) the capital loan guarantee be deemed to be in the interest of the City;
  - (ii) Council make an exception to its policy for Capital Loan and Line of Credit Guarantees for cultural and community organizations, as amended in February 2005, which establishes the total limit for all loan guarantees to \$10 million, to allow for this Guarantee without affecting the limit of the policy;
  - (iii) Evergreen be required to provide the City with an irrevocable letter of credit or similar security acceptable to the Deputy City Manager and Chief Financial Officer, in the amount of \$0.5 million for the purposes of funding any debt service deficiencies associated with the Guarantee towards the Project for the duration of the Interim Financing, Project completion and/or possible construction liens attaching to the Project;
  - (iv) any agreement(s) between the City, TRCA, Evergreen and their design build guaranteed price contractor be limited to the proposed maximum price of \$42 million, inclusive of applicable taxes (excluding recoverable GST payments), and be to the satisfaction of the Deputy City Manager and Chief Financial Officer, in consultation with the General Manager of Economic Development and Culture, TRCA and the City Solicitor;
  - (v) Evergreen having secured Interim Financing arrangements from Interim Project Financier(s) who are acceptable to both the City and TRCA, and Evergreen

having satisfactorily demonstrated that it has negotiated with its Interim Project Financier(s) a binding interest rate for the Interim Financing arrangements to be jointly and severally guaranteed, in part, by the Guarantee, commensurate with the City's loan guarantee and credit rating to the satisfaction of the Deputy City Manager and Chief Financial Officer;

- (vi) Evergreen having secured and being in good standing under a binding commitment from the Ontario Heritage Trust for a cash contribution for this Project in the amount of up to \$10 million and TRCA and the City, if required, being provided with a satisfactory comfort letter from Ontario Heritage Trust in that regard;
- (vii) Evergreen having secured and being in good standing under a binding commitment from Infrastructure Canada for a cash contribution for this Project in the amount of up to \$20 million and the City and TRCA, if required, being provided with a satisfactory comfort letter from Infrastructure Canada in that regard;
- (viii) Evergreen having submitted to the Deputy City Manager and Chief Financial Officer a formal business plan demonstrating to the satisfaction of Deputy City Manager and Chief Financial Officer and the General Manager of Economic Development Culture and Tourism the adequacy of projected operating cash flow from operations to retire the Interim Financing within the 4 year timeline required by recommendation 1 (ix) below;
- (ix) a further condition of the Guarantee and of the Lease be that the Interim Financing shall be repaid in full, and that the Guarantee expire, by no later than the earlier of the end of year 4 of operation of Evergreen at the Project calculated from the Commencement Date of the Lease or on earlier termination or payout of the Interim Financing;
- (x) the Guarantee be for the purposes of facilitating the funding of the construction and construction related capital costs of \$42 million, guaranteeing Project completion and/or possible construction liens attaching to the Project, and that any material changes thereto require the prior written consent of both the TRCA and the Deputy City Manager and Chief Financial Officer of the City, in consultation with the General Manager of Economic Development and Culture;
- (xi) TRCA having approved the issuance of such Guarantee on terms and conditions satisfactory to the Chief Financial Officer of the City, in consultation with the General Manager of Economic Development and Culture, in form acceptable to the City Solicitor; and
- (xii) those other terms and conditions as per attached Appendix "1" to this report, Sections 4 and 5, subject to such further revisions and other terms and conditions as may be satisfactory to the Deputy City Manager and Chief Financial Officer in consultation with the General Manager of Economic Development, Culture and Tourism and TRCA, all in form acceptable to the



City Solicitor.

2. The authority granted in Clause 23 of Report No. 5 of the Administration Committee adopted by City Council at its meeting held on July 25, 26 and 27, 2006 to enter into a Lease with Evergreen be revised as per attached Appendix “1” to this report, subject to such further revisions and other Lease terms and conditions as may be satisfactory to the Deputy City Manager and Chief Financial Officer, in consultation with the General Manager of Economic Development, Culture and Tourism and TRCA, all in a form acceptable to the City Solicitor.
3. City Council endorse the single perpetual Heritage Easement Agreement for the Leased Premises to be entered into between TRCA and Ontario Heritage Trust upon the terms and conditions as ultimately devised by Preservation Services and TRCA, working in co-operation with Evergreen and Ontario Heritage Trust, in form acceptable to the City Solicitor and legal counsel for TRCA.
4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

### Links to Background Information

Staff Report - Don Valley Brick Works - Lease of Part of 550 Bayview Avenue to Evergreen - Additional Considerations

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5359.pdf>

GM6.8	ACTION	Amended		Ward: 8
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### **York University Busway - Temporary Construction Licence and Ten Year Easement Over a Portion of the Hydro Corridor, North of Finch Avenue Between Keele and Dufferin Streets**

(June 18, 2007) Report from Chief Corporate Officer

#### **Recommendations**

The Chief Corporate Officer recommends that:

1. City Council grant authority to enter into a ten (10) year easement agreement with ORC, at a cost of \$3,900,000.00 + GST, on behalf of the Province and Hydro, substantially on the terms and conditions set out in Appendix “A”, with a right to renew said agreement for two further terms of five (5) years each at a rate to be determined.
2. City Council grant authority to enter into temporary construction licence, at a cost of \$185,000.00 + applicable realty taxes and GST, for a period not to exceed two (2) years, with ORC, on behalf of the Province and Hydro, substantially on the terms and conditions set out in Appendix “A”.
3. As an alternative and subject to funding being made available from within the TTC’s

Approved 5-Year Capital Plan, City Council consider acquiring a permanent easement from ORC, on behalf of the Province and Hydro, to a maximum of cost of \$5,850,000.00 + GST, for the purposes of the York University Busway and the future Spadina Subway Extension.

4. The Chief Corporate Officer be authorized to administer and manage the licence and easement 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.
5. The City Solicitor be authorized to complete the licence and easement transactions, deliver any notices (including termination), and amend the commencement and other dates to such earlier or later date(s), on such terms and conditions, as she may, from time to time, determine.
6. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

### **Financial Impact**

ORC and Hydro have requested payment in the amount of \$3,900,000.00, plus GST, for the grant of a 10-year easement for the operation of the bus-only road within the Finch Hydro corridor. The cost of the temporary construction licence, for a period not to exceed two years, is estimated to be approximately \$185,000.00, plus applicable realty taxes and GST. Funding for the 10 year easement and temporary construction licence is available in the TTC's 5-Year Approved Capital Plan, Project 3.3 (Yard and Roads) under the Bus Rapid Transit – Spadina Subway to York University – W.O. 7879 (as set out on pages 637 to 643 of the Expansion Category). City and TTC staff continue to negotiate with ORC and Hydro to attempt to reduce these the costs.

It is now recognized that the hydro corridor bus-only road will continue to be required once the proposed Spadina Subway Extension begins operations in 10-15 years. Staff are considering options to extend the use of the bus-only road. The easement agreement may be extended for two further terms of five years or the City may acquire a permanent easement from ORC, on behalf of the Province and Hydro. The costs of the extension have not yet been determined. The costs to acquire a permanent easement are estimated to be \$5.85 million. In either case, funds will be accommodated within the TTC's 2008-2012 5-Year Capital Plan.

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

### **Summary**

The purpose of the joint City/TTC York University Busway Project (the "Project") is to construct a dedicated roadway for bus transit service in order to provide improved bus operating speeds and reliability between Downsview Station and York University pending completion of the proposed Spadina Subway Extension. The design of the Project is now at 60% completion and has been reviewed by all interested stakeholders.

The most significant property requirement within the Project is a 13.6 acre portion of the Hydro corridor, north of Finch Avenue between Keele and Dufferin Streets. The property is owned by the Province of Ontario, as represented by Ontario Realty Corporation (“ORC”), and is used by Hydro One Networks Inc. (“Hydro”) for purposes of a hydro distribution system. Council authorized staff to enter into negotiations with ORC and Hydro to acquire a ten (10) year easement for the operation and maintenance of the bus-only road, as well as a temporary construction licence for a period of up to two (2) years.

Negotiations between staff from the City, TTC, ORC and Hydro have been on-going since December 2006. Although an agreement has not yet been reached on the cost and certain terms of the acquisition of the Hydro corridor lands, in order to meet Project construction timelines, it is necessary to seek City Council approval of the proposed terms and conditions of the proposed 10-year easement agreement and the proposed construction licence, which are to be funded through the TTC’s 2007-2011 Capital Program Budget.

### **Committee Recommendations**

On motion by Councillor Saundercook, the Government Management Committee recommended that:

1. City Council grant authority to enter into a ten (10) year easement agreement with ORC, at a cost of \$3,900,000.00 + GST, on behalf of the Province and Hydro, substantially on the terms and conditions set out in Appendix “A”, with a right to renew said agreement for two further terms of five (5) years each at a rate to be determined.
2. City Council grant authority to enter into temporary construction licence, at a cost of \$185,000.00 + applicable realty taxes and GST, for a period not to exceed two (2) years, with ORC, on behalf of the Province and Hydro, substantially on the terms and conditions set out in Appendix “A”.
3. City Council grant authority to enter into an easement agreement with ORC, on behalf of the Province and Hydro otherwise on substantially the same terms and conditions as set out in Appendix A, but to be granted, instead in perpetuity, at a cost of up to \$5,850,000, together with GST, if determined by the Director of Real Estate Services to be more beneficial for transit purposes and subject to funding being made available from within the TTC’s approved 5 year capital plan.
4. The Chief Corporate Officer be authorized to administer and manage the licence and easement 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.
5. The City Solicitor be authorized to complete the licence and easement transactions, deliver any notices (including termination), and amend the commencement and other dates to such earlier or later date(s), on such terms and conditions, as she may, from time to time, determine.
6. The appropriate City Officials be authorized and directed to take the necessary action to

give effect thereto.

### Links to Background Information

Staff Report - York University Busway - Temporary Construction Licence and Ten Year Easement Over a Portion of the Hydro Corridor, North of Finch Avenue between Keele and Dufferin Streets

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5360.pdf>)

Appendix A - Terms and Conditions of the Agreements

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5361.pdf>)

Appendix B - Site Map - York University Busway Project

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5362.pdf>)

Appendix C - Site Map - Spadina Subway Extension Project

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5363.pdf>)

GM6.9	ACTION	Adopted		Ward: 12
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### To Declare Surplus a Portion of a City-owned Parcel of Land adjoining 47 Touchstone Drive

(June 20, 2007) Report from Chief Corporate Officer

#### Recommendations

The Chief Corporate Officer recommends that:

1. City Council declare the parcel of land adjoining 47 Touchstone Drive, being Part of Block 268 on Plan 66M-2340 and shown as Part 1 on Sketch No. PS-2007-153 (the “Property”), surplus to the City’s requirements.
2. City Council authorize the Chief Corporate Officer, in consultation with the Director of Development, Affordable Housing Office, to invite an offer to purchase the Property from Habitat for Humanity Toronto (“Habitat”), at a purchase price below market value.
3. Staff take all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code.

#### Financial Impact

Although there are no financial implications associated with the adoption of this report, full market value for the sale of the Property will not be realized if the City proceeds as recommended. The sale of the Property at below market value for affordable housing will result in the City foregoing revenue that would have been realized from the sale of the Property at full market value, currently estimated at \$167,000.00. No funding is required from the City’s capital budget.

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 declare a portion of a City-owned parcel of land adjoining 47 Touchstone Drive surplus to municipal requirements and to authorize the Chief Corporate Officer to invite an offer to purchase from Habitat for Humanity Toronto, for a purchase price at below market value, for the development of affordable ownership housing.

## Committee Recommendations

On motion by Councillor Ainslie, the Government Management Committee recommended that:

1. City Council declare the parcel of land adjoining 47 Touchstone Drive, being Part of Block 268 on Plan 66M-2340 and shown as Part 1 on Sketch No. PS-2007-153 (the “Property”), surplus to the City’s requirements.
2. City Council authorize the Chief Corporate Officer, in consultation with the Director of Development, Affordable Housing Office, to invite an offer to purchase the Property from Habitat for Humanity Toronto (“Habitat”), at a purchase price below market value.
3. Staff take all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code.

## Links to Background Information

Staff Report - To Declare Surplus a Portion of a City-owned Parcel of Land adjoining 47 Touchstone Drive

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5368.pdf>

Appendix A - Site Map - 47 Touchstone Drive

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5369.pdf>

GM6.10	ACTION	Adopted		Ward: 22
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## To Declare Surplus the City-owned Parcel of Land at 141 Boulton Drive

(June 20, 2007) Report from Chief Corporate Officer

## Recommendations

The Chief Corporate Officer recommends that:

1. City Council declare the parcel of vacant land known municipally as 141 Boulton Drive, being Part of Lot 37 on Plan 608E and shown as Part 1 on PS-2007-162, subject to the retention of a permanent easement over the property for sewer purposes (the “Property”), surplus to the City’s requirements.
2. City Council authorize the Chief Corporate Officer to invite an offer to purchase the Property from the owner of 147 Boulton Drive.
3. Staff take all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code.

### Financial Impact

There are no financial implications associated with the adoption of this report.

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 declare a City-owned parcel of vacant land known municipally as 141 Boulton Drive surplus to municipal requirements and to obtain authority for the Chief Corporate Officer to invite an offer to purchase the property from the owner of 147 Boulton Drive.

### Committee Recommendations

On motion by Councillor Jenkins, the Government Management Committee recommended that:

1. City Council declare the parcel of vacant land known municipally as 141 Boulton Drive, being Part of Lot 37 on Plan 608E and shown as Part 1 on PS-2007-162, subject to the retention of a permanent easement over the property for sewer purposes (the “Property”), surplus to the City’s requirements.
2. City Council authorize the Chief Corporate Officer to invite an offer to purchase the Property from the owner of 147 Boulton Drive.
3. Staff take all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code.

### Links to Background Information

Staff Report - To Declare Surplus the City-owned Parcel of Land at 141 Boulton Drive

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5372.pdf>

Appendix A - Site Map and PS Sketch - 141 Boulton Drive

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5373.pdf>

GM6.11	ACTION	Adopted		Ward: 11
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### To Declare Surplus the City-owned Parcel of Land adjoining 45 Blakley Avenue

(June 20, 2007) Report from Chief Corporate Officer

### Recommendations

The Chief Corporate Officer recommends that:

1. City Council declare the parcel of land adjoining 45 Blakley Avenue, being Part of Lot

31 on Plan 2373 and shown as Part 1 on Sketch No. PS-2007-143 (the “Property”) surplus to the City’s requirements.

2. City Council authorize the granting of a conservation easement over the entire Property to the Toronto and Region Conservation Authority in perpetuity, for nominal consideration, on terms and conditions satisfactory to the Chief Corporate Officer and in a form acceptable to the City Solicitor.
3. City Council authorize the Chief Corporate Officer to invite an offer to purchase the Property from the owner of 45 Blakley Avenue.
4. Staff take all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code.

### **Financial Impact**

There are no financial implications associated with the adoption of this report.

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 declare a City-owned parcel of land adjoining 45 Blakley Avenue surplus to municipal requirements and to obtain authority for the Chief Corporate Officer to invite an offer to purchase the property from the owner of 45 Blakley Avenue.

### **Committee Recommendations**

On motion by Councillor Jenkins, the Government Management Committee recommended that:

1. City Council declare the parcel of land adjoining 45 Blakley Avenue, being Part of Lot 31 on Plan 2373 and shown as Part 1 on Sketch No. PS-2007-143 (the “Property”) surplus to the City’s requirements.
2. City Council authorize the granting of a conservation easement over the entire Property to the Toronto and Region Conservation Authority in perpetuity, for nominal consideration, on terms and conditions satisfactory to the Chief Corporate Officer and in a form acceptable to the City Solicitor.
3. City Council authorize the Chief Corporate Officer to invite an offer to purchase the Property from the owner of 45 Blakley Avenue.
4. Staff take all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code.

### **Links to Background Information**

Report - Surplus City-owned Land-45 Blakley Avenue

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5364.pdf>

Appendix A - Site Map - 45 Blakeley Avenue

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5701.pdf>)

GM6.12	ACTION	Adopted		Ward: 23
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**Sale of a Portion of Oakburn Crescent, South of Avondale Avenue and the whole of Oakburn Place, branching off southerly from south side of Oakburn Crescent**

(June 19, 2007) Report from Chief Corporate Officer

**Recommendations**

The Chief Corporate Officer recommends that:

1. The City be authorized to enter into three (3) Agreements of Purchase and Sale with K&G Oakburn Apartments I Ltd. and K&G Oakburn Apartments II Ltd. (collectively, “Oakburn”) for the sale of a portion of Oakburn Crescent, south of Avondale Avenue and the whole of Oakburn Place, shown as Parts 1, 2, 3 & 4 on Sketch No. PS-2007-145b (collectively, the “Highways”), on a phased basis, substantially on the terms and conditions outlined in Appendix “A” to this report and on such further terms and conditions as may be acceptable to the Chief Corporate Officer, all in a form satisfactory to the City Solicitor.
2. Authority be granted to direct a portion of the proceeds of closing to fund the outstanding expenses related to the Highways and the completion of the sale transaction.
3. The City Solicitor be authorized to complete the transactions 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**

Revenue in the amount of \$1,002,900.00, \$2,521,200.00 and \$3,711,700.00 from Parts 2&3 (Phase I), Part 4 (Phase II) and Part 1 (Phase III), respectively plus GST and upward time adjustments, 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 authorize the sale, on a phased basis, of a portion of Oakburn Crescent, south of Avondale Avenue and the whole of Oakburn Place, shown as Parts 1, 2, 3 & 4 on Sketch No. PS-2007-145b.



### Committee Recommendations

On motion by Councillor Ainslie, the Government Management Committee recommended that:

1. The City be authorized to enter into three (3) Agreements of Purchase and Sale with K&G Oakburn Apartments I Ltd. and K&G Oakburn Apartments II Ltd. (collectively, “Oakburn”) for the sale of a portion of Oakburn Crescent, south of Avondale Avenue and the whole of Oakburn Place, shown as Parts 1, 2, 3 & 4 on Sketch No. PS-2007-145b (collectively, the “Highways”), on a phased basis, substantially on the terms and conditions outlined in Appendix “A” to this report and on such further terms and conditions as may be acceptable to the Chief Corporate Officer, all in a form satisfactory to the City Solicitor.
2. Authority be granted to direct a portion of the proceeds of closing to fund the outstanding expenses related to the Highways and the completion of the sale transaction.
3. The City Solicitor be authorized to complete the transactions 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.

### Links to Background Information

Report - Sale of a Portion of Oakburn Crescent, South of Avondale Avenue and the whole of Oakburn Place, branching off southerly from south side of Oakburn Crescent

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5365.pdf>)

Appendix A - Sale of a Portion of Oakburn Crescent

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5370.pdf>)

Site Map-Portion of Oakburn Crescent

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5700.pdf>)

GM6.13	ACTION	Adopted		Ward: 10
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### Sale of a Portion of 276 Searle Avenue

(June 26, 2007) Report from Chief Corporate Officer

### Recommendations

The Chief Corporate Officer recommends that:

1. Authority be granted to report the outcome of all offers, together with staff recommendations, directly to Council at its meeting of July 16 and 17, 2007.

### Financial Impact

Not applicable at this time.

## Summary

The purpose of this report is to obtain authority to report directly to Council at its meeting of July 16 and 17, 2007, on the sale of a portion of 276 Searle Avenue.

## Committee Recommendations

On motion by Councillor Ainslie, the Government Management Committee recommended that:

1. Council consider a report on the outcome of all offers, together with staff recommendations, from the Chief Corporate Officer.

## Decision Advice and Other Information

On motion by Councillor Ainslie, the Government Management Committee authorized the Chief Corporate Officer to report directly to City Council for its meeting on July 16 and 17, 2007.

## Links to Background Information

Report - Sale of a Portion of 276 Searle Avenue

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5366.pdf>

Appendix A - 276 Searle Avenue

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5367.pdf>

GM6.14	ACTION	Adopted		Ward: 5
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## Real Estate Acquisitions for the Kipling / Islington Redevelopment Initiative

(June 20, 2007) Report from Chief Corporate Officer

### Recommendations

The Chief Corporate Officer recommends that:

1. City Council grant authority to negotiate to acquire and to initiate expropriation proceedings, if necessary, for:
  - a. the southwest corner of Cordova Avenue and Mabelle Avenue, legally described as Part of Lot 7, Concession 'A', Clergy Reserve in the City of Toronto (formerly City of Etobicoke), as shown on Sketch PS-2007-152 (the "Cordova Property");
  - b. 5341 Dundas Street West, legally described as Part of Lot 7, Concession 5, City of Toronto (formerly City of Etobicoke) Colonel Smith's Tract, as shown on Sketch PS-2007-151 (the "Dundas Property").
2. City Council grant authority to serve and publish Notice of Application for Approval to Expropriate the Cordova Property and the Dundas Property, to forward to the Chief

Inquiry Officer any requests for hearing that are 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. The appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

### **Financial Impact**

It is currently estimated that the K/I Initiative will have a total capital cost of \$58,400,000. Funding for the property acquisitions is included within this total capital cost.

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

### **Summary**

In February, 2007, City Council approved the Kipling/Islington Redevelopment Initiative (K/I Initiative) and allocated \$17,500,000 of capital funding from the Land Acquisition Reserve Fund (LARF) for this project, subject to confirmation of funding commitments from Mississauga Transit (MT), GO Transit (GO), the Province of Ontario, the Greater Toronto Transportation Authority (GTTA) and the Federal Government.

Positive responses have been received from the Province and MT and a report on capital funding for the K/I Initiative will be submitted to Executive Committee in September 2007. Design work is continuing on the K/I Initiative to meet the TTC's construction schedule.

This report seeks authority to enter into negotiations to acquire, by purchase or expropriation, if necessary, two properties that are required to implement the K/I Initiative, one adjacent to the Cordova commuter parking lot and one at 5341 Dundas Street West adjacent to the proposed inter-regional bus terminal site. Another property that is required for the K/I Initiative, 915 Kipling Avenue, has been reported on separately to the June 12 Government Management Committee.

### **Committee Recommendations**

On motion by Councillor Saundercook, the Government Management Committee recommended that:

1. City Council grant authority to negotiate to acquire and to initiate expropriation proceedings, if necessary, for:
  - a. the southwest corner of Cordova Avenue and Mabelle Avenue, legally described as Part of Lot 7, Concession 'A', Clergy Reserve in the City of Toronto (formerly City of Etobicoke), as shown on Sketch PS-2007-152 (the "Cordova Property");
  - b. 5341 Dundas Street West, legally described as Part of Lot 7, Concession 5, City of Toronto (formerly City of Etobicoke) Colonel Smith's Tract, as shown on Sketch PS-2007-151 (the "Dundas Property").

2. City Council grant authority to serve and publish Notice of Application for Approval to Expropriate the Cordova Property and the Dundas Property, to forward to the Chief Inquiry Officer any requests for hearing that are 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. The appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

### **Links to Background Information**

Report - Real Estate Acquisitions for the Kipling / Islington Redevelopment Initiative  
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5371.pdf>

GM6.15	ACTION	Adopted		Ward: 5
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### **Potential Acquisition of 40 Titan Road**

(June 18, 2007) Report from Chief Corporate Officer

#### **Recommendations**

The Chief Corporate Officer recommends that:

1. The Chief Corporate Officer be authorized to report directly to City Council at its meeting to be held on July 16 and 17, 2007 regarding the possible acquisition of 40 Titan Road, for the relocation of the City's Offset Printing Facility.

#### **Financial Impact**

This acquisition will have no financial impact beyond what has already been approved in the 2007 Capital Budget. Further funding information will be provided in a subsequent report.

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

#### **Summary**

The City's Offset Printing Facility, located at a leased facility at 90 Niagara Street, needs to relocate to a permanent City location, as the current leased space is too small for business efficiency and does not meet health and safety requirements. The Niagara Street area is undergoing rapid development and the landlord has indicated that the property will be redeveloped.

The building and land located at 40 Titan Road has been identified by City Clerk's as a desirable location for the Offset Printing Facility. As this property is currently listed for sale on the open market, staff is investigating the possibility of acquiring this site.

#### **Committee Recommendations**

On motion by Councillor Saunderson, the Government Management Committee

recommended that:

1. Council consider a report from the Chief Corporate Officer at its meeting to be held on July 16 and 17, 2007 regarding the possible acquisition of 40 Titan Road, for the relocation of the City's Offset Printing Facility.

### **Decision Advice and Other Information**

On motion by Councillor Saundercook, the Government Management Committee authorized the Chief Corporate Officer to report directly to City Council for its meeting on July 16 and 17, 2007.

### **Links to Background Information**

Report - Potential Acquisition of 40 Titan Road

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5374.pdf>)

Appendix A - 40 Titan Road

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5375.pdf>)

GM6.16	ACTION	Adopted		Ward: 21
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### **Potential Acquisition of 517 Davenport Road**

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

(June 21, 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 municipally known as 517 Davenport Road and legally described by PIN 21226-0317(LT) being Part of Lots 20 and 39 Plan 749, designated as Parts 145 and 146 on Plan 63R-4124 in the City of Toronto, and shown on the sketch attached as Appendix "A".
2. Council grant authority to serve and publish Notices of Application for Approval to Expropriate 517 Davenport Road; 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. Council adopt the confidential instructions to staff in Attachment 1 of this report.
4. The confidential information in Attachment 1 remain confidential.

## Financial Impact

Details are provided in the confidential attachment.

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

## Summary

To provide a report on the potential acquisition of the property municipally known as 517 Davenport Road.

## Committee Recommendations

On motion by Councillor Ainslie, the Government Management Committee recommended that:

1. City Council grant authority to initiate the expropriation process for the property municipally known as 517 Davenport Road and legally described by PIN 21226-0317(LT) being Part of Lots 20 and 39 Plan 749, designated as Parts 145 and 146 on Plan 63R-4124 in the City of Toronto, and shown on the sketch attached as Appendix “A”.
2. Council grant authority to serve and publish Notices of Application for Approval to Expropriate 517 Davenport Road; 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. Council adopt the confidential instructions to staff in Attachment 1 of this report.
4. The confidential information in Attachment 1 remain confidential.

## Links to Background Information

Report - Potential acquisition of 517 Davenport Road

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5376.pdf>)

Appendix A - 517 Davenport Road

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5377.pdf>)

Confidential Attachment 1 - 517 Davenport Road

GM6.17	ACTION	Adopted		Ward: 34, 37, 40
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## Easements to Enbridge Inc. on City-owned Properties located West of Warden Avenue, between Sheppard Avenue East and Eglinton Avenue East

(June 18, 2007) Report from Chief Corporate Officer

## Recommendations

The Chief Corporate Officer recommends that:

1. Council authorize the grant to Enbridge Inc. of permanent subsurface easements over the lands shown as Part 2 on Sketch No. PS-2007-161, Part 2 on Sketch No. PS-2007-166, and Part 1 on Sketch No. PS-2007-167, substantially on the terms and conditions outlined in Appendix "A" and on such further terms as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.
2. Council authorize the grant to Enbridge Inc. of temporary easements over the lands shown as Part 1 and 3 on Sketch No. PS-2007-161, Part 1 on Sketch No. PS-2007-164, and Part 1 on Sketch No. PS-2007-166, substantially on the terms and conditions outlined in Appendix "A" and on such further terms as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.

### **Financial Impact**

Revenue in the amount of \$81,500 plus GST if applicable, 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 authority to grant easements to Enbridge Inc. ("Enbridge") on City-owned properties located west of Warden Avenue between Sheppard Avenue East and Eglinton Avenue East and shown as Parcel Nos. 1 through 4 inclusive on Appendix "B" attached.

### **Committee Recommendations**

On motion by Councillor Ainslie, the Government Management Committee recommended that:

1. Council authorize the grant to Enbridge Inc. of permanent subsurface easements over the lands shown as Part 2 on Sketch No. PS-2007-161, Part 2 on Sketch No. PS-2007-166, and Part 1 on Sketch No. PS-2007-167, substantially on the terms and conditions outlined in Appendix "A" and on such further terms as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.
2. Council authorize the grant to Enbridge Inc. of temporary easements over the lands shown as Part 1 and 3 on Sketch No. PS-2007-161, Part 1 on Sketch No. PS-2007-164, and Part 1 on Sketch No. PS-2007-166, substantially on the terms and conditions outlined in Appendix "A" and on such further terms as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.

### **Links to Background Information**

Report - Easements to Enbridge Inc. on City-owned Properties located West of Warden Avenue, between Sheppard Avenue East and Eglinton Avenue East

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5379.pdf>)

Appendix A - Major Terms and Conditions

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5380.pdf>)

Appendix B - Location of Easements

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5381.pdf>)

## Appendix C - Individual Sketches

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5382.pdf>)

GM6.18	ACTION	Adopted		Ward: All
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### Policy with Respect to the Sale/Disposition of Land

(June 14, 2007) Report from Chief Corporate Officer

#### Recommendations

The Chief Corporate Officer recommends that:

1. City of Toronto adopt, as the City's Policy with respect to the Sale and Other Disposition of Land as required by *COTA*, the proposed Chapter 213, Sale of Real Property of the City of Toronto Municipal Code set out in Appendix A; and repeal the current Chapter 213, Sale of Real Property.
2. City Council delegate authority to the Chief Corporate Officer to declare City land surplus and to determine the intended manner of disposition.
3. Authority be granted for the introduction in Council of any bills necessary to implement the foregoing.

#### Financial Impact

There are no financial implications arising from this report.

#### Summary

The purpose of this report is to fulfill the requirements of the City of Toronto Act, 2006 (*COTA*) to have the City adopt a policy with respect to the sale and other disposition of land, and to delegate to the Chief Corporate Officer the authority to declare City land surplus.

#### Communications

(July 5, 2007) e-mail from Keith Thomas (GM.Main.6.18.1)

#### Committee Recommendations

On motion by Councillor Saundercook, the Government Management Committee recommended that:

1. City of Toronto adopt, as the City's Policy with respect to the Sale and Other Disposition of Land as required by *COTA*, the proposed Chapter 213, Sale of Real Property of the City of Toronto Municipal Code set out in Appendix A; and repeal the current Chapter 213, Sale of Real Property.
2. City Council delegate authority to the Chief Corporate Officer to declare City land surplus and to determine the intended manner of disposition.



3. Authority be granted for the introduction in Council of any bills necessary to implement the foregoing.

### Links to Background Information

Report - Policy with Respect to the Sale/Disposition of Land

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5383.pdf>)

Appendix A - Policy with Respect to the Sale/Disposition of Land

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5384.pdf>)

GM6.19	Information	Received		Ward: All
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### Second Quarter 2007 Report of Property Sales and Acquisitions

(June 19, 2007) Report from Chief Corporate Officer

#### Summary

This report provides information regarding property sales and purchases by the City in the second quarter of 2007.

To assist in the management for the sale of surplus properties, a regular quarterly report is prepared establishing targets for the sale of properties in the City portfolio. The quarterly report includes the number of properties proposed for sale in the previous quarter and the current status of such properties. The quarterly report also includes the number, value and type of properties purchased during that quarter by ward.

#### Decision Advice and Other Information

On motion by Councillor Ainslie, the Government Management Committee received this matter for information.

### Links to Background Information

Report - Second Quarter 2007 Report of Property Sales and Acquisitions

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5385.pdf>)

Appendix A - Declared Surplus List

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5386.pdf>)

Appendix B - Property Acquisitions/Expropriations etc.

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5387.pdf>)

GM6.20	ACTION	Without Recs		Ward: 20
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### Damage to Western Gap Breakwall

**Confidential - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (Attachment 1)**

(June 21, 2007) Report from City Solicitor

### **Recommendations**

The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff contained in Attachment 1 of this report.
2. The confidential information in Attachment 1 remain confidential.

### **Financial Impact**

The relevant financial information is addressed in Attachment 1.

### **Summary**

On or about December 6, 2006 a section of the breakwall forming the north boundary of the Western Gap collapsed. The damaged area borders City owned land.

The Government Management Committee has, among other things, directed the City Solicitor to report to the Committee at its July 6th meeting regarding mechanisms for determining ownership of the collapsed section of breakwall and liability for the costs of repair. [Attachment 1 not yet available.]

### **Committee Recommendations**

On motion by Councillor Saundercook, the Government Management Committee submitted this matter to Council without recommendation.

### **Decision Advice and Other Information**

Because Attachment 1 mentioned in this report was not available at the Committee meeting, the Government Management Committee submits this item without recommendation and requested the City Solicitor and Chief Corporate Officer to report directly to City Council for its meeting on July 16, and 17, 2007.

### **Motions**

*Motion to introduce by Councillor Bill Saundercook*

*Meet in Closed Session motion moved by Councillor Bill Saundercook (Final)*

That the Government Management Committee confirm the actions of the Committee in closed session - that is to forward this item to Council without recommendation.

### **Links to Background Information**

Report - Damage to Western Gap Breakwall

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5388.pdf>

**Confidential Minute GM6.20**

GM6.21	ACTION	Adopted		Ward: 30
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**Sale instead of Long Term Lease of a Portion of Basin Street, West of Bouchette Street and a Portion of Saulter Street South, extending Northerly from Basin Street to Commissioners Street**

(June 28, 2007) Report from Chief Corporate Officer

**Recommendations**

The Chief Corporate Officer recommends that:

1. City Council rescind Clause No. 45 of Administration Committee Report No. 6, as adopted by City Council at its meeting held on September 25, 26 and 27, 2006.
2. The City transfer title to the portions of Basin Street and Saulter Street South shown as Parts 1, 2 and 3 on Sketch No. PS-2005-135 (the “Highways”) to City of Toronto Economic Development Corporation (“TEDCO”) on the following terms and conditions:
  - (a) TEDCO shall pay a purchase price of \$566,650.00 for the Highways.
  - (b) TEDCO shall provide an Undertaking to the City agreeing to re-convey the Highways to the City, at no cost, in the event that the film studio ground lease between TEDCO and Toronto Film Studios Inc. (“TFS”), or any replacement ground lease, is terminated or expires.
  - (c) TEDCO shall accept the Highways subject to a permanent easement to be reserved by the City for sewer and watermain purposes.
  - (d) TEDCO shall accept the Highways subject to permanent easements to be granted by the City to Hydro One, Toronto Hydro, Enbridge Gas and Bell Canada.
  - (e) TEDCO shall accept the Highways in “as-is” condition.
  - (f) Closing is to take place as soon as possible after Council approval is obtained.
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 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.
4. In the event that the film studio ground lease, or any replacement ground lease, is terminated or expires.

**Financial Impact**

Revenue in the amount of \$566,650.00 plus GST is anticipated.

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

**Summary**

To authorize the City to transfer title to the surplus road allowances, shown as Parts 1, 2 and 3 on Sketch No. PS-2005-135, to City of Toronto Economic Development Corporation instead of a entering into a long-term lease agreement for these lands.

**Committee Recommendations**

On motion by Councillor Jenkins, the Government Management Committee recommended that:

1. City Council rescind Clause No. 45 of Administration Committee Report No. 6, as adopted by City Council at its meeting held on September 25, 26 and 27, 2006.
2. The City transfer title to the portions of Basin Street and Saulters Street South shown as Parts 1, 2 and 3 on Sketch No. PS-2005-135 (the “Highways”) to City of Toronto Economic Development Corporation (“TEDCO”) on the following terms and conditions:
  - (a) TEDCO shall pay a purchase price of \$566,650.00 for the Highways.
  - (b) TEDCO shall provide an Undertaking to the City agreeing to re-convey the Highways to the City, at no cost, in the event that the film studio ground lease between TEDCO and Toronto Film Studios Inc. (“TFS”), or any replacement ground lease, is terminated or expires.
  - (c) TEDCO shall accept the Highways subject to a permanent easement to be reserved by the City for sewer and watermain purposes.
  - (d) TEDCO shall accept the Highways subject to permanent easements to be granted by the City to Hydro One, Toronto Hydro, Enbridge Gas and Bell Canada.
  - (e) TEDCO shall accept the Highways in “as-is” condition.
  - (f) Closing is to take place as soon as possible after Council approval is obtained.
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 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.
4. The City issue a Shareholder Direction to TEDCO to re-convey the Highways to the City, at no cost, in the event that the film studio ground lease, or any replacement

ground lease, is terminated or expires.

### Links to Background Information

Report-Sale instead of Long Term Lease of a Portion of Basin Street, west of Bouchette Street & a Portion of Saulter Street South, extending northerly from Basin Street to Commissioners Street

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5618.pdf>)

Map-GM6.21

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-5619.pdf>)

### Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2007-07-06	Morning	9:35 AM	9:55 AM	Public
2007-07-06	Morning	9:55 AM	10:00 AM	Closed
2007-07-06	Morning	10:00 AM	10:00 AM	Public
2007-07-06	Afternoon	1:30 PM	1:35 PM	Public

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Chair