
Government Management Committee

Meeting No. 3
Meeting Date Thursday, April 12, 2007
Start Time 9:30 AM
Location Committee Room 1, City Hall

Contact Yvonne Davies, Committee Administrator
Phone 416-392-7443
E-mail ydavies@toronto.ca

GM3.2	DEFERRED		Transactional	Ward: All
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Fair Wage Policy Disqualification: OJCR Construction Ltd. Deferred from the January 25, 2007 meeting

City Council Decision

City Council on April 23 and 24, 2007, deferred consideration of this Item to the May 23, 2007 meeting of City Council and directed that:

1. A certified transcript of the recordings be obtained.
2. The City Manager and the Speaker review the transcript together to review the advice provided by staff in light of Members' concerns and report their findings to the May 23, 2007 Council meeting.
3. A copy of the transcript and recordings be made available for review by Members of Council and the public before the May Council meeting.

[Link to May 23, 24, 25, 2007 Council Decision.](#)

(January 8, 2007) report from Manager, Fair Wage Office

Committee Recommendations

The Government Management Committee recommends that:

1. The report (January 8, 2007) from the Manager, Fair Wage Office be received.
2. The 15 percent administrative fee imposed on OJCR Construction Ltd. as a result of the 2006 review be waived.

Summary

The Fair Wage Policy (the “Policy”) requires the Manager, Fair Wage Office to report on companies that have violated the Policy twice within a three year period and recommend either to disqualify the firm or not. The purpose of this report is to recommend disqualification of OJCR Construction Ltd. from working on City contracts for a period of two years.

In 2004, OJCR violated the Policy when it was determined that \$25,287.94 was owed to OJCR’s workforce. In 2006, OJCR again violated the Policy, owing its workforce approximately \$143,000. Restitution has been arranged to pay workers back wages in full.

Accordingly, City Council should disqualify OJCR from working on any City contracts for a period of two years, followed by a probationary period of one year.

Background Information

Report-Fair Wage Policy Disqualification-OJCR Construction Ltd.

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2653.pdf>)

Extract from the Decision Document meeting of January 25, 2007 of the General Go

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2664.pdf>)

2a Fair Wage Policy Compliance Review: OJCR Construction Ltd. Contract Numbers 07TE-301WS, 07EY-302WS And 07NY-303WS

(March 26, 2007) report from Manager, Fair Wage Office

Summary

Compliance review of OJCR Construction Ltd.’s (OJCR) payroll records, field interviews with workers, investigation of the Toronto Water Division’s Contract Service records and wages paid to OJCR’s employees were consistent with the Fair Wage Policy Sewer and Watermain Schedules for the three 2007 contracts reviewed.

Financial Impact

There are no financial implications resulting from this report.

Background Information

Fair Wage Policy Compliance Review

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2532.pdf>)

Communications

(November 22, 2006) letter from Brett. D. Moldaver, Davis Moldaver LLP, Barristers - GMMain3-2.1

(January 24, 2007) e-mail from Frank J.E. Zechner, Executive Director, GTSWCA - GMMain3-2.2

Speakers

Jamie Besner, VP, Municipal Affairs, Sussex Strategy Group

Stephen Morrison, Cassels, Brock and Blackwell LLP, filed submission (GM3-2.3)
 John DiSanto, OJCR Construction Ltd.
 Councillor Giorgio Mammoliti
 Councillor Karen Stintz
 Councillor Janet Davis
 Councillor Michael Walker
 Councillor Rob Ford

GM3.5	NO AMENDMENT		Transactional	Ward: 2, 3, 5, 11, 13, 35, 36, 37, 38, 39, 41, 42, 44
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Proposed Renewal of the Agreement for the Operation of Concession Services with Ephiley Foodservices Inc. and Eastwood/Le Jardin Food Services Inc. in the Parks, Forestry and Recreation Division

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. The City of Toronto exercise its option for the renewal of the concession services with Ephiley Foodservices Inc. and Eastwood/Le Jardin Food Services Inc., for the operation of concessions services in the Parks, Forestry and Recreation Division for a further five years on the same terms and conditions, save and except a further right of renewal.
2. Staff be authorized to enter into an agreement with Ephiley Foodservice Inc. and Eastwood/Le Jardin Food Services Inc. for a further five year period ending April 30, 2012, in a form satisfactory to the City Solicitor.

(March 5, 2007) report from General Manager, Parks, Forestry and Recreation

Committee Recommendations

The Government Management Committee recommends that:

1. The City of Toronto exercise its option for the renewal of the concession services with Ephiley Foodservices Inc. and Eastwood/Le Jardin Food Services Inc., for the operation of concessions services in the Parks, Forestry and Recreation Division for a further five years on the same terms and conditions, save and except a further right of renewal.
2. Staff be authorized to enter into an agreement with Ephiley Foodservice Inc. and Eastwood/Le Jardin Food Services Inc. for a further five year period ending April 30, 2012, in a form satisfactory to the City Solicitor.

Financial Impact

The City has received a combined annual total of \$70,000.00 in net revenues for 2006 of the

existing term from Ephiley Food Service Inc., and Eastwood/Le Jardin Food Services Inc. The projected net revenues over the next five-year period from May 1, 2007 to April 30, 2012 will continue to be \$70,000.00 annually with marginal increases to the revenue based on anticipated increases to activities in the facilities. Even with modest increases through the term of this agreement, these concessions are not likely to be able to meet the 2002 forecasted revenue expectations of approximately double the current revenue, which did not take service interruptions due to capital projects and changes of facility usage into account. The estimated net revenue to the City for the five-year renewal period is \$350,000.00. In addition, the operators have agreed to commit further capital investments of approximately \$500,000.00 over the next five-year period to the concession facilities.

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 approval for the City to exercise the renewal option and enter into an agreement with Ephiley Foodservices Inc., and Eastwood/Le Jardin Food Services Inc., for the right to operate concession services in the Parks, Forestry and Recreation Division for a further five-year period commencing May 1, 2007 and expiring on April 30, 2012.

This report requests authority to enter into an agreement with Ephiley Foodservices Inc., and Eastwood/Le Jardin Food Services Inc., for a further five-year period. Staff are confident that the renewal of these contracts with these small entrepreneurs which have a track record of expertise to improve customer service, make capital investments, and operate a financially viable operation will provide the City and the public with a continued high level of service at the facilities.

Background Information

Report-Proposed Renewal of the Agreement-Operation of Concession Services
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2553.pdf>

Speaker

Councillor Rob Ford

GM3.6	NO AMENDMENT		Transactional	Ward: 28
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Request for Proposal (RFP) 0901-07-0031 Bicycle Rental Concession at Toronto Island Park Forestry and Recreation Division

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. Authority to be granted to enter into a five (5) year agreement with Toronto Island Bicycle Rental Ltd., being the highest overall scoring proponent meeting the requirements, for the Bicycle Rental Concession at Toronto Island Park, for the period of May 1, 2007 to September 30, 2011, with guaranteed rent to the City in the amount of \$335,000.00 for the five (5) year term.
2. Should the option to renew be exercised, then the General Manager of Parks, Forestry and Recreation is to instruct the Chief Purchasing Official to process the necessary contract renewals under the same terms and conditions to exercise the five (5) year renewal option License Agreement with the proponent under the same terms and conditions, save and except a further right of renewal and the renewal license fee, which shall be negotiated at the time of renewal, provided that the operation of the Bicycle Rental Concession was performed at a level satisfactory to the General Manager of Parks, Forestry and Recreation and in the form and content, consistent with the RFP and acceptable to the City Solicitor for the period from May 1, 2012 to September 30, 2016.

(March 23, 2007) report from General Manager, Parks, Forestry and Recreation and the Director, Purchasing and Materials Management Division

Committee Recommendations

The Government Management Committee recommends that:

1. Authority to be granted to enter into a five (5) year agreement with Toronto Island Bicycle Rental Ltd., being the highest overall scoring proponent meeting the requirements, for the Bicycle Rental Concession at Toronto Island Park, for the period of May 1, 2007 to September 30, 2011, with guaranteed rent to the City in the amount of \$335,000.00 for the five (5) year term.
2. Should the option to renew be exercised, then the General Manager of Parks, Forestry and Recreation is to instruct the Chief Purchasing Official to process the necessary contract renewals under the same terms and conditions to exercise the five (5) year renewal option License Agreement with the proponent under the same terms and conditions, save and except a further right of renewal and the renewal license fee, which shall be negotiated at the time of renewal, provided that the operation of the Bicycle Rental Concession was performed at a level satisfactory to the General Manager of Parks, Forestry and Recreation and in the form and content, consistent with the RFP and acceptable to the City Solicitor for the period from May 1, 2012 to September 30, 2016.

Financial Impact

Entering into a five (5) year License Agreement with a further five (5) year renewal option with the Toronto Island Bicycle Rental Ltd., for the Bicycle Rental Concession at Toronto Island Park. The guaranteed net revenues over the initial five (5) year term is \$335,000.00. The RFP terms included improved service levels, capital investment and improved financial return in improvements in net revenue to the City.

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 Considered by City Council on April 23 and 24, 2007

	2007	2008	2009	2010	2011	TOTAL
Proposed Rent to the City (Guaranteed)	\$ 65,000	\$ 65,000	\$ 65,000	\$ 70,000	\$ 70,000	\$ 335,000

OPTION RENEWAL	2012	2013	2014	2015	2016	TOTAL
Proposed Rent to the City (Guaranteed)	\$ 70,000	\$ 70,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 365,000

There are no anticipated future costs with the implementation of the proposed License Agreement. Toronto Island Bicycle Rental Ltd. shall be responsible for all operating costs, property taxes, capital costs and other related costs for the operation of the Bicycle Rental Concession at Toronto Island Park.

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 results of RFP 0901-07-0031, for the Bicycle Rental Concession at Toronto Island Park within the Parks, Forestry and Recreation Division, and to request authority to negotiate and enter into a five (5) year License Agreement with Toronto Island Bicycle Rental Ltd. for the period from May 1, 2007 to September 30, 2011 with the option to renew for a further five (5) year renewal option for the period from May 1, 2012 to September 30, 2016. The decision to exercise the option to renew the agreement will be at the sole discretion of the Parks, Forestry and Recreation Division's General Manager.

Background Information

RFP 0901-07-0031 Bicycle Rental Concession at Toronto Island Park For. & Rec. Di
<http://www.toronto.ca/legdocs/mmis/2007/qm/bgrd/backgroundfile-2555.pdf>

Communications

(April 10, 2007) e-mail from Jake Irwin, President, Sights on Bikes Incorporated -
 GMMain3.6.1

(April 11, 2007) e-mail from Gordon Chhor, General Manager, Toronto Island Bicycle Rental Ltd. – GMMain3.6.2

GM3.8	NO AMENDMENT		Transactional	Ward: All
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2006 Accounts Receivable Write-off Report

Confidential - Personal matters about an identifiable individual, including municipal or local board employees

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. City Council approve the write-off of uncollectible accounts of \$619,303.28 as detailed in Appendix A to this report.
2. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Confidential Appendix B to the report (March 23, 2007) from the Deputy City Manager and Chief Financial Officer remains confidential in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, as it contains personal information about an identifiable person, including municipal or local board employees.

(March 23, 2007) report from Deputy City Manager and Chief Financial Officer

Committee Recommendations

The Government Management Committee recommends that:

1. City Council approve the write-off of uncollectible accounts of \$619,303.28 as detailed in Appendix A to this report.
2. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Summary

The purpose of this report is to recommend the write-off of uncollectible miscellaneous receivable accounts in the amount of \$619,303.28 in accordance with the provisions of the Financial Control By-law.

Background Information

Report-2006 Accounts Receivable Write-Off Report
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2559.pdf>
 Appendix A-City of Toronto Request for Write-off Amounts
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2560.pdf>
 Confidential Appendix B-2006 Accounts Receivable Write-off Report

Speaker

Councillor Denzil Minnan-Wong

GM3.12	NO AMENDMENT		Policy	Ward: All
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Criteria for Procurement Awards made by the Standing Committee and/or Council

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motion:

1. That Sections 195-13, 195-14 and 195-15 of the Municipal Code be revised to read as per the attached Appendix A of this report, subject to amending Section 195-13(A)(3) by adding the words: "and the amount of the award is equal to or less than \$20 million", so that it now reads:

"In the opinion of the Chief Financial Officer, the award and resulting commitment have funding approval and the amount of the award is equal to or less than \$20 million."

(March 16, 2007) report from Treasurer

Committee Recommendations

The Government Management Committee recommends that Sections 195-13, 195-14 and 195-15 of the Municipal Code be revised to read as per the attached Appendix A of this report, subject to amending Section 195-13(A)(3) by adding the words: "and the amount of the award is equal to or less than \$20 million", so that it now reads:

"In the opinion of the Chief Financial Officer, the award and resulting commitment have funding approval and the amount of the award is equal to or less than \$20 million."

Summary

This report is in response to a request from the February 15th meeting of the Government Management Committee on the criteria for Procurement awards made by Standing Committee and/or Council.

Absent any determination by staff or direction from Council that a particular contract award requires Council approval, the Bid Committee should be authorized to approve the award of all contracts where the lowest bidder meeting specifications or highest scoring proponent is being recommended, funding approval is in place and there are no material written objections to the award. For awards where these conditions are not satisfied or where staff have determined or Council has directed that Council approval is required, the award must be approved by Council, regardless of dollar value.

Background Information

Report-Criteria for Procurement Awards

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2684.pdf>

Appendix A-Proposed Revisions to Municipal Code, Chapter 195

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2574.pdf>

GM3.13	AMENDED		Transactional	Ward: 3, 12, 20, 29, 38
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To Request Authority, to Enter into Lease Agreements for the Operation of Various City Cafes and Cafeterias-RFP 0613-06-7016

Confidential - A proposed or pending acquisition or sale of land for municipal or local board purposes

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. Council authorize the public release of the confidential information in Attachment 1, if and when the recommended lease agreements are finalized and signed.
2. Council authorize the City to enter into a lease agreement with Canada Catering Co. Limited ("Canada Catering"), for a 10 year term, for the operation of the cafeteria at Metro Hall, on the key terms set out in Schedule "A" to Attachment 1 – Confidential Information and the additional terms and conditions set out in the RFP, in a form satisfactory to the City Solicitor; this proponent having achieved the highest overall evaluated score to operate this location.
3. Council authorize the City to enter into lease agreements with 1355565 Ontario Inc. o/a Delimark Cafés ("Delimark"), for a 10 year term, for the operation of the cafeterias at Etobicoke Civic Centre, 2700 Eglinton Avenue West and East York Civic Centre, on the key terms set out in Schedule "B" to Attachment 1 – Confidential Information and the additional terms and conditions set out in the RFP, in a form satisfactory to the City Solicitor; this proponent having achieved the highest overall evaluated scores to operate these locations.
4. Council authorize the Director, Real Estate Services to negotiate with the next highest scoring proponent(s), if any, should lease negotiations fail with either of the recommended proponents for any of the locations and to report back to City Council on the outcome of such negotiations.
5. As no proposals were received for the cafeteria at Scarborough Civic Centre, the Director, Real Estate Services, be authorized to explore with the co-owner of the Scarborough Civic Centre, the Toronto District School Board ("TDSB"), the model used by the TDSB to operate their cafeteria at 5050 Yonge Street with a view to having the TDSB operate the cafeteria at the Scarborough Civic Centre and report back to City Council, if necessary; and the Executive Director, Real Estate Services, consult with the Chair of the Scarborough Community Council.
6. Council authorize the Chief Corporate Officer, his successor or designate, to administer and manage the lease agreements, including providing 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.

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

Confidential Attachment 1 to the report (March 21, 2007) from the Chief Corporate Officer, remains confidential in its entirety, at this time, in accordance with the provisions of the City of Toronto Act, 2006, pending the finalization and execution of recommended lease agreements, as it contains information regarding the proposed or pending acquisition of land for municipal or local board purposes.

(March 21, 2007) report from Chief Corporate Officer, and Director, Purchasing and Materials Management

Committee Recommendations

The Government Management Committee recommends that:

1. Council authorize the public release of the confidential information in Attachment 1, if and when the recommended lease agreements are finalized and signed.
2. Council authorize the City to enter into a lease agreement with Canada Catering Co. Limited ("Canada Catering"), for a 10 year term, for the operation of the cafeteria at Metro Hall, on the key terms set out in Schedule "A" to Attachment 1 – Confidential Information and the additional terms and conditions set out in the RFP, in a form satisfactory to the City Solicitor; this proponent having achieved the highest overall evaluated score to operate this location.
3. Council authorize the City to enter into lease agreements with 1355565 Ontario Inc. o/a Delimark Cafés ("Delimark"), for a 10 year term, for the operation of the cafeterias at Etobicoke Civic Centre, 2700 Eglinton Avenue West and East York Civic Centre, on the key terms set out in Schedule "B" to Attachment 1 – Confidential Information and the additional terms and conditions set out in the RFP, in a form satisfactory to the City Solicitor; this proponent having achieved the highest overall evaluated scores to operate these locations.
4. Council authorize the Director, Real Estate Services to negotiate with the next highest scoring proponent(s), if any, should lease negotiations fail with either of the recommended proponents for any of the locations and to report back to City Council on the outcome of such negotiations.
5. As no proposals were received for the cafeteria at Scarborough Civic Centre, Council authorize the Director, Real Estate Services to explore with the co-owner of the Scarborough Civic Centre, the Toronto District School Board ("TDSB"), the possibility of reducing the size of this cafeteria to make it more economically viable and to report back to City Council on the outcome of those discussions, if necessary.

6. Council authorize the Chief Corporate Officer, his successor or designate, to administer and manage the lease agreements, including providing 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.
7. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Implementation Points

The RFP has a binding irrevocable date of May 5, 2007. To conclude the RFP process, the City must inform recommended proponents of the award before this date.

If this report is approved, notice of termination will be given to the existing overholding cafeteria operators at the Etobicoke Civic Centre and the East York Civic Centre, to permit occupancy of these premises by Delimark once the lease agreements for these locations are signed. The cafeteria at 2700 Eglinton Avenue West is currently vacant and will be occupied by Delimark once the lease agreement for this location is signed. The cafeteria at Metro Hall is currently occupied by Canada Catering and will continue to be occupied by Canada Catering under the terms of the new lease agreement to be entered into with Canada Catering.

Financial Impact

As part of the internal RFP review process, the Financial Policy and Research Unit of Corporate Finance Division conducted a review and analysis of the financial aspects of the proposals for Cafe and Cafeteria Services received under the RFP. The results of the analysis were used in the financial criteria portion of the proposal evaluations, with higher ranking and points given to those proposals yielding the greater financial return to the City. Other non-financial criteria were also scored by the evaluation team, to determine the recommended proponent for each location. An external Food Services Consultant retained by the City has reviewed and participated in the process and evaluation, and concurs with the staff recommendations.

In the past, agreements between café and cafeteria operators and the former municipalities were structured in different forms of arrangements which appeared to have emphasis on the provision of food services to staff and the public over the costs of operating the facilities. This resulted in net loss from operations of the subject facilities to the City, except for Metro Hall and 2700 Eglinton Avenue West (closed). The purpose of this RFP was to select one or more qualified and experienced operators in a way that would maximize the financial return for each location. Therefore, the RFP was structured to reflect these requirements and, as a result, all recommended proposals will have positive net financial impact in a form of additional revenue to the City.

If negotiations with recommended RFP proponents are successful, the City will receive estimated net revenue, as per the key lease terms outlined in Attachment 1 - Confidential Information. Should negotiations with either of recommended proponents fail, lease negotiations will be undertaken with the next highest proponents(s) and the outcome of such negotiations will be reported back to City Council.

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 report on the results of Request for Proposal No. 0613-06-7016 for the Operation of Cafés and Cafeterias and to recommend that lease agreements be entered into with the recommended proponents.

Background Information

Report-Operation of Various City Cafes and Cafeterias
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2683.pdf>
 Confidential Attachment 1-Operation of Various City Cafes & Cafeterias
 In-Camera Presentation-Operation of Various City Cafes & Cafeterias

Speaker

Councillor Rob Ford

GM3.15	NO AMENDMENT		Transactional	Ward: 30
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54 Commissioners Street - Tax Sale Extension Agreement

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. Authority be granted to enter into an extension agreement with 1160623 Ontario Inc., the owner of the land municipally described as 54 Commissioners Street and legally described by PIN 21385 - 0067(LT) Part Block A, Plan 520E, designated as Part 1 on 66R2156 in the Land Titles Division of the Toronto Registry Office (No. 66) (the "Property"), to extend the redemption date for payment of tax arrears owing on the Property from May 29, 2007 to October 1, 2007.
2. Authority be granted for the introduction of the necessary Bill to authorize the execution of the extension agreement.
3. The appropriate City officials be authorized and directed to take the necessary steps to give effect to the foregoing.

(March 21, 2007) report from Treasurer

Committee Recommendations

The Government Management Committee recommends that:

1. Authority be granted to enter into an extension agreement with 1160623 Ontario Inc., the owner of the land municipally described as 54 Commissioners Street and legally described by PIN 21385 - 0067(LT) Part Block A, Plan 520E, designated as Part 1 on 66R2156 in the Land Titles Division of the Toronto Registry Office (No. 66) (the "Property"), to extend the redemption date for payment of tax arrears owing on the Property from May 29, 2007 to October 1, 2007.
2. Authority be granted for the introduction of the necessary Bill to authorize the execution of the extension agreement.
3. The appropriate City officials be authorized and directed to take the necessary steps to give effect to the foregoing.

Financial Impact

There are no financial implications arising from the adoption of the recommendations contained in this report.

Summary

To request authority to enter into an extension agreement pursuant to the tax sale provisions of the City of Toronto Act, 2006, and to introduce the necessary Bill to authorize execution of the extension agreement.

Background Information

Report-54 Commissioners Street - Tax Sale Extension Agreement
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2554.pdf>

GM3.16	AMENDED		Transactional	Ward: All
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Accounts Receivables – Largest Debtors with Tax Arrears Greater than \$500,000 as at December 31, 2006

Confidential - Personal matters about an identifiable individual, including municipal or local board employees

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. This report, together with the information contained in Attachment 1, and the confidential information contained in Attachment 2, be received for information.
2. The confidential information contained in Attachment 2 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.

3. The practice of reporting semi-annually to Committee and Council on tax accounts with receivables of \$500,000 or more be continued.
4. The appropriate City staff be authorized and directed to take the necessary action to give effect thereto.
5. The Treasurer provide an updated report to the Executive Committee regarding the status of the tax arrears and the current status of City payments with respect to this property.

Confidential Attachment 2 to the report (March 21, 2007) from the Treasurer, remains confidential in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, and the Municipal Freedom of Information and Protection of Privacy Act, as it contains personal information about an identifiable person, including municipal or local board employees.

(March 21, 2007) report from Treasurer

Committee Recommendations

The Government Management Committee recommends that:

1. This report, together with the information contained in Attachment 1, and the confidential information contained in Attachment 2, be received for information.
2. The confidential information contained in Attachment 2 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*.
3. The practice of reporting semi-annually to Committee and Council on tax accounts with receivables of \$500,000 or more be continued.
4. The appropriate City staff be authorized and directed to take the necessary action to give effect thereto.

Summary

To provide information on property tax accounts with outstanding receivables of \$500,000 or more as at December 31, 2006, and to provide information on the total taxes outstanding as at December 31, 2006. This report also recommends that the practice of reporting twice annually to Council on property tax accounts with outstanding receivables of \$500,000 or more be discontinued, but that the information continue to be provided twice annually to the Mayor and members of Council in the form of a briefing note.

This report contains two attachments. Attachment 1 is public information, and lists properties with tax arrears totalling more than \$500,000 that are owned by a corporation. Attachment 2 is

confidential, and lists properties with total tax arrears of \$500,000 or more where the property is owned by an individual. The Municipal Freedom of Information and Protection of Privacy Act prevents the public disclosure of the information contained in Attachment 2.

Background Information

Report-Accounts Receivable-Largest Debtors with Tax Arrears
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2677.pdf>

Attachment 1-Owned by a Corporation
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2679.pdf>

Attachment 2-Page 1-Owned by an Individual

Attachment 2-Page 2-Owned by an Individual

Attachment 3-Summary of Receivables as at December 31, 2006

Council also considered the following:

- [Briefing Note \(April 20, 2007\) from the Deputy City Manager and Chief Financial Officer \(GM3.16a\).](#)

Decision Advice and Other Information

The Government Management Committee requested the Treasurer, in consultation with the City Clerk, to report to the next meeting of the Government Management Committee on May 10, 2007 on the policy of maintaining the confidentiality of the names of persons who are in arrears of taxes greater than \$500,000 and identify the resolution, if any, adopted by Council implementing this policy.

Declared Interest (City Council)

Councillor Walker - in that his daughter is an employee of the Toronto Port Authority.

GM3.17	NO AMENDMENT		Transactional	Ward: All
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Apportionment of Property Taxes

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. The individual apportionments made pursuant to Section 322 of the *City of Toronto Act*, S.O. 2006, as provided in Appendix A of the report (March 31, 2007) from the Treasurer, entitled "Apportionment of Property Taxes", be approved, excluding the following applications, which will be heard at a future hearing:

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Page No.	Tax Year	Original Roll No.	Tax Roll No. for Apportioned Properties	Tax Apportionment	Ward No.
1 of 6	2002	1904-08-4-540-03500 910 Logan Ave.	1904-08-4-540-03505		

			Range to:		
			1904-08-4-540-03545		
			Total:	\$4,882.44	29
4 of 6	2006	1908-02-3-090-02700 64 Falstaff Ave.	1908-02-3-090-02701		
			1908-02-3-090-02750		
			Total:	\$2,201.78	12
1 of 6	2006	1901-01-4-630-03800 12 Sandown Ave.	1901-01-4-630-03801		
			1901-01-4-630-03805		
			Total:	\$1,894.36	36
3 of 6	2006	1904-08-3-520-07600 473 Rhodes Ave.	1904-08-3-520-07630		
3 of 6	2006	1904-08-3-520-07700 477 Rhodes Ave.	Range to		
3 of 6	2006	1904-08-3-520-07800 479 Rhodes Ave.	1904-08-3-520-07850		
			Total:	\$9,345.26	30

2. The individual apportionments made pursuant to Section 322 of the *City of Toronto Act*, S.O. 2006, as provided in Appendix B of the report (March 13, 2007) from the Treasurer, entitled "Apportionment of Property Taxes", be approved, excluding the following applications, that will be subject to further review:

Page No.	Tax Year	Original Roll No.	Tax Roll No. for Apportioned Properties	Tax Apportionment	Ward No.
1 of 1	2005	1919-01-2-010-00950 430 Kipling Ave	1919-01-2-010-00940		
			1919-01-2-010-00951		

Government Management Report - Meeting No. 3
Considered by City Council on April 23 and 24, 2007

			Total:	\$23,307.21	6
1 of 1	2006	1919-01-2-010-00950 430 Kipling Ave	1919-01-2-010-00940		

			1919-01-2-010-00951		
			Total:	\$23,411.42	6

3. Authority be delegated to the Director of Revenue Services to write-off as uncollectible, as of the date of apportionment, the interest and penalty charges that have accrued on, and form part of, any unpaid taxes which are apportioned by Council on or after March 8, 2007.
4. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Statutory Hearing - City of Toronto Act, 2006

(March 22, 2007) report from Treasurer

Committee Recommendations

The Government Management Committee recommends that:

1. The individual apportionments made pursuant to Section 322 of the *City of Toronto Act, S.O. 2006*, as provided in Appendix A of the report (March 31, 2007) from the Treasurer, entitled "Apportionment of Property Taxes", 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.
1 of 6	2002	1904-08-4-540-03500 910 Logan Ave.	1904-08-4-540-03505		

			Range to:		
			1904-08-4-540-03545		
			Total:	\$4,882.44	29
4 of 6	2006	1908-02-3-090-02700 64 Falstaff Ave.	1908-02-3-090-02701		

Government Management Report - Meeting No. 3
Considered by City Council on April 23 and 24, 2007

			1908-02-3-090-02750		
			Total:	\$2,201.78	12
1 of 6	2006	1901-01-4-630-03800 12 Sandown Ave.	1901-01-4-630-03801		
			1901-01-4-630-03805		
			Total:	\$1,894.36	36
3 of 6	2006	1904-08-3-520-07600 473 Rhodes Ave.	1904-08-3-520-07630		
3 of 6	2006	1904-08-3-520-07700 477 Rhodes Ave.	Range to		
3 of 6	2006	1904-08-3-520-07800 479 Rhodes Ave.	1904-08-3-520-07850		
			Total:	\$9,345.26	30

2. The individual apportionments made pursuant to Section 322 of the *City of Toronto Act*, S.O. 2006, as provided in Appendix B of the report (March 13, 2007) from the Treasurer, entitled "Apportionment of Property Taxes", be approved, excluding the following applications, that will be subject to further review:

Page No.	Tax Year	Original Roll No.	Tax Roll No. for Apportioned Properties	Tax Apportionment	Ward No.
1 of 1	2005	1919-01-2-010-00950 430 Kipling Ave	1919-01-2-010-00940		
			1919-01-2-010-00951		
			Total:	\$23,307.21	6
1 of 1	2006	1919-01-2-010-00950 430 Kipling Ave	1919-01-2-010-00940		

			1919-01-2-010-00951		
			Total:	\$23,411.42	6

3. Authority be delegated to the Director of Revenue Services to write-off as uncollectible, as of the date of apportionment, the interest and penalty charges that have accrued on, and form part of, any

unpaid taxes which are apportioned by Council on or after March 8, 2007.

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

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 an owner of the land 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 owners of any part of the land may make representation. Authority to hold such public meetings has been delegated to the Government Management Committee.

This report recommends approval of 62 tax apportionment applications initiated by both the Treasurer and taxpayers for the properties listed in Appendices A and B (attached). This report also recommends a change to the City's current treatment of outstanding penalty/interest that has accrued on unpaid taxes pending the apportionment of those unpaid taxes. As legislative authority now exists, it is recommended that authority be delegated to the Director, Revenue Services, to write off such penalty/interest amounts.

Background Information

Report- Apportionment of Property Taxes

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2675.pdf>

Appendix A- Apportionment Report- Treasurer Initiated Tax Apportionments

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2674.pdf>

Appendix B- Apportionment Report - Taxpayer Initiated Tax Apportionments

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2550.pdf>

Decision Advice and Other Information

The Government Management Committee held a statutory hearing on April 12, 2007, in accordance with the *City of Toronto Act, 2006*. No one appeared before the Committee.

GM3.18	NO AMENDMENT		Transactional	Ward: All
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Cancellation, Reduction or Refund of Property Taxes

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

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 \$2,330,062.12, excluding phase-in/capping adjustments, as identified in the Detailed Hearing Report attached as Appendix A, be approved.
2. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Statutory - City of Toronto Act, 2006

(March 21, 2007) report from Treasurer

Committee Recommendations

The Government Management Committee 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 \$2,330,062.12, excluding phase-in/capping adjustments, as identified in the Detailed Hearing Report attached as Appendix A, be approved.
2. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

This report recommends the cancellation, reduction or refund of taxes in the amount of \$2,330,062.12, excluding phase-in/capping adjustments. The City's share of the taxes which is approximately \$1,202,415.55 will be funded from the 2007 Tax Deficiency Account (Non-Program Budget). The education portion of the taxes totalling \$1,127,646.57 will be recovered from the Province/school boards.

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

Summary

Section 323 of the City of Toronto Act, 2006 (and previously Section 357 of the Municipal Act, 2001) allows the Treasurer, or the owner of the land or their representative, to initiate the

process to cancel, reduce or refund taxes where a change has occurred within the year that affects the amount of taxes levied. These changes include where a building on a property has been razed by fire or demolished, the property has become vacant or unusable, or exempt from taxation, or the tax classification for the property has changed, clerical errors resulting in overcharges, etc.

The legislation requires that upon receipt of an application to cancel, reduce or refund taxes, Council must hold a public meeting at which the applicants and owners of any part of the land may make representation. Authority to hold such public meetings has been delegated to the Government Management Committee.

This report serves to advise that Notices of Hearing pertaining to the cancellation, reduction or refund of taxes for the properties listed in Appendix A have been sent to affected taxpayers. In addition, the report recommends approval of 20 applications initiated by taxpayers.

Background Information

Report-Cancellation, Reduction or Refund of Property Taxes
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2673.pdf>
 Appendix A: Detailed Hearing Report - 357, Hearing 2007H2
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2547.pdf>

Decision Advice and Other Information

The Government Management Committee held a statutory hearing on April 12, 2007, in accordance with the *City of Toronto Act, 2006*. No one appeared before the Committee.

GM3.19	NO AMENDMENT		Transactional	Ward: All
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Write-off of Unpaid Property Taxes for Apportionment Applications Related to 2002 and Prior Years

Confidential - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. The Director of Revenue Services be authorized to withdraw outstanding apportionment applications in respect of 116 accounts, identified in Attachment 1 of this report, from the Assessment Review Board (ARB), in accordance with the ARB's Rules of Practice and Procedure.
2. The unpaid taxes levied in all years prior to 2003 (including interest and penalties which have accrued on those unpaid taxes) on the 116 tax roll numbers listed in Attachment 1, be written off as uncollectible and removed from the tax rolls.

3. Council adopt the confidential recommendations contained in Attachment 2 to this report.
4. The confidential recommendations contained in Attachment 2 remain confidential, on the advice of the City Solicitor.
5. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Confidential Attachment 2 to the report (March 21, 2007) from the Treasurer, remains confidential in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information pertaining to litigation, including matters before administrative tribunals, affecting the municipality or local board.

(March 21, 2007) report from Treasurer

Committee Recommendations

The Treasurer recommends that:

1. The Director of Revenue Services be authorized to withdraw outstanding apportionment applications in respect of 116 accounts, identified in Attachment 1 of this report, from the Assessment Review Board (ARB), in accordance with the ARB's Rules of Practice and Procedure.
2. The unpaid taxes levied in all years prior to 2003 (including interest and penalties which have accrued on those unpaid taxes) on the 116 tax roll numbers listed in Attachment 1, be written off as uncollectible and removed from the tax rolls.
3. Council adopt the confidential recommendations contained in Attachment 2 to this report.
4. The confidential recommendations contained in Attachment 2 remain confidential, on the advice of the City Solicitor.
5. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The total estimated amount to be written off with the adoption of the recommendations contained in this report is \$1,042,745, consisting of a municipal portion of levied taxes of \$198,050, a provincial education portion of levied taxes of \$231,907, and an additional \$612,787 in penalty/interest charges as at February 28, 2007. This write-off amount is considered to be an estimate since interest accrues on tax accounts on a monthly basis and as such the amount of interest/penalty to be written off will continue to increase until the date the actual write-off is approved and processed.

Given that Council, in July 2003, has previously approved that properties subject to tax apportionment automatically receive a grant to offset any penalty/interest charges associated with the apportioned taxes, the incremental financial impact of the recommended write-off is limited to the \$429,957 in levied taxes, consisting of the municipal portion of \$198,050, and the provincial education portion of \$231,907. There is no financial impact on current year expenditures and revenues from the recommended write-off of the levied tax amounts or the interest/penalty amounts, as these amounts have been provided for within the 2007 Non-Program Tax Provision Account.

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

Summary

This report provides an update on applications filed with the Assessment Review Board (ARB) to apportion unpaid property taxes for 292 property tax accounts where severances or redevelopments have occurred.

Given the difficulty inherent in apportioning older unpaid tax accounts, all of which relate to periods before 2002, to current property owners who may not be aware that taxes are owing, this report also identifies an alternative strategy for dealing with the unpaid taxes for 116 of these accounts by recommending that the taxes be written off and that the applications at the ARB be withdrawn. In total, the amount being recommended for write off is \$1,042,745, consisting of a municipal portion of \$198,050 in levied taxes, a provincial education portion of levied taxes of \$231,907, and an additional \$612,788 in penalty/interest charges. The write-off of these amounts will have no impact on the current year's budget, as these amounts have been provided for in the 2007 Non-Program Tax Provision Account.

In addition to the recommendations below, this report also provides additional confidential recommendations, contained in Attachment 2 to this report.

Background Information

Report-Write-off of Unpaid Property Taxes

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2545.pdf>

Attachment 1-Listing of Tax Apportionment Accounts

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2512.pdf>

Confidential Attachment 2-Write-off of Unpaid Property Taxes

Speaker

Councillor Rob Ford

GM3.20	NO AMENDMENT		Transactional	Ward: 16, 21, 23, 32, 44
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Uncollectible Water Arrears Greater than \$10,000

Confidential - Personal matters about an identifiable individual (Attachment 1)**City Council Decision**

City Council on April 23 and 24, 2007, adopted the following motions:

1. The following five (5) water accounts, representing a total value of \$150,472.24, be written off:
 - Water Account Number 419462-368842, \$10,422.12;
 - Water Account Number 161699-133423, \$52,630.86;
 - Water Account Number 161421-126546, \$38,161.94;
 - Water Account Number 556540-601771, \$36,081.93;
 - Water Account Number 345821-281224, \$13,175.39.
2. The confidential information contained in Attachment 1 remain confidential, as it relates to personal information about an identifiable individual, and as such may not be disclosed under the provisions of the Municipal Freedom of Information and Protection of Privacy Act.
3. The appropriate City staff be authorized and directed to take the necessary action to give effect thereto.

Confidential Attachment 1 to the report (March 26, 2007) from the Deputy City Manager and Chief Financial Officer, remains confidential in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, and the Municipal Freedom of Information and Protection of Privacy Act, as it contains personal information about an identifiable person.

(March 27, 2007) report from Deputy City Manager and Chief Financial Officer

Committee Recommendations

The Government Management Committee recommends that:

1. The following five (5) water accounts, representing a total value of \$150,472.24, be written off:
 - Water Account Number 419462-368842, \$10,422.12;
 - Water Account Number 161699-133423, \$52,630.86;
 - Water Account Number 161421-126546, \$38,161.94;
 - Water Account Number 556540-601771, \$36,081.93;
 - Water Account Number 345821-281224, \$13,175.39.
2. The confidential information contained in Attachment 1 remain confidential, as it relates to personal information about an identifiable individual, and as such may not be disclosed under the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

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

Summary

This report recommends the write-off of five (5) water accounts, in relation to water consumed prior to January 1, 2004, each with outstanding receivables of greater than \$10,000 that in the Chief Financial Officer's opinion are uncollectible.

Staff have taken all necessary steps in attempting to collect the outstanding water arrears, including issuing the account to an external collection agency for "skip trace" and revenue recovery, mailing of "Demand Letters" by Legal Services and filing a claim with the Trustee in the case of a bankruptcy. The outstanding water charges for these five (5) accounts relates to water consumed prior to 2004 by someone other than the current property owner and, as such, the water arrears cannot be added to the property's tax account.

Given that all collection efforts have been exhausted, and the City has no further recourse or means of collecting these water arrears, it is recommended that Council authorize the write-off of these uncollectible water receivables.

Attachment 1 is confidential, and lists a property with water arrears greater than \$10,000 that is owned by an individual. The Municipal Freedom of Information and Protection of Privacy Act prevents the public disclosure of the information contain in Attachment 1.

Background Information

Report-Uncollectible Water Arrears Greater than \$10,000

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2543.pdf>)

Confidential Attachment 1-Uncollectible Water Arrears Greater than \$10,000

Speaker

Councillor Rob Ford

GM3.21	NO AMENDMENT		Transactional	Ward: All
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Additional Funding for the Better Buildings New Construction Program (BBNCP)

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. Upon completion of negotiations with the OPA for the City's 90 megawatt program, Facilities and Real Estate Division's 2007 Approved Operating Budget be increased by \$250,000.00 gross, zero net (\$250,000.00 in recoveries from the Better Buildings Partnership Loan Repayment Reserve Fund) and that these funds be deposited into FA2462 – BBNCP.

2. Recoveries from the OPA and outstanding recoveries from NRCan and Toronto Hydro be deposited to the Better Buildings Partnership Loan Reserve Repayment Fund when received.

(March 19, 2007) report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that:

1. Upon completion of negotiations with the OPA for the City's 90 megawatt program, Facilities and Real Estate Division's 2007 Approved Operating Budget be increased by \$250,000.00 gross, zero net (\$250,000.00 in recoveries from the Better Buildings Partnership Loan Repayment Reserve Fund) and that these funds be deposited into FA2462 – BBNCP.
2. Recoveries from the OPA and outstanding recoveries from NRCan and Toronto Hydro be deposited to the Better Buildings Partnership Loan Reserve Repayment Fund when received.

Financial Impact

Additional funding in the amount of \$250,000.00 will be required to provide grants for the design of energy efficient buildings. Funding is available in the Better Buildings Partnership Loan Repayment Reserve Fund (BBP-LRRF). Once the buildings are completed, the funds will be recovered from the OPA by December 2010 and deposited into the Better Buildings Partnership Loan Reserve Repayment Fund.

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 funding in the amount of \$250,000.00 (net zero) for the Better Buildings New Construction Program (BBNCP) to provide interim financial support for the design of energy efficient buildings.

Existing arrangements with Toronto Hydro and Natural Resources Canada (NRCan) to fund this program will expire shortly. The City has submitted program proposals to the Ontario Power Authority (OPA) to save 90 megawatts of electricity across Toronto. Once agreements currently under negotiation with the OPA are signed, financial incentives will be available to eligible City and community projects. City funds advanced to eligible BBNCP participants for building design will be recovered from the OPA by December, 2010.

Background Information

Report-Additional Funding for the BBNCP

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2538.pdf>)

Speaker

Councillor Rob Ford

GM3.22	NO AMENDMENT		Transactional	Ward: 23
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Amendment to Lease Terms – 4804-4812 Yonge Street Necessitated by the Timing of an Ontario Municipal Board Hearing**City Council Decision**

City Council on April 23 and 24, 2007, adopted the following motion:

1. That the Lease be amended to extend the Tenant's right to terminate from April 30, 2007 to October 15, 2007 to provide for the completion of an OMB hearing and Part 5 be incorporated within the leased premises.

(March 26, 2007) report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that the Lease be amended to extend the Tenant's right to terminate from April 30, 2007 to October 15, 2007 to provide for the completion of an OMB hearing and Part 5 be incorporated within the leased premises.

Financial Impact

The extension of the Tenant's right to terminate to October 15, 2007 will reduce the length of the Tenant's abatement period under the Lease and increase the rent revenue to the City during the fixturing period from \$119,166.67 to \$165,000.00.

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

Summary

On July 25, 26, and 27 2006 Council approved a land lease (the Lease) for the City-owned property at the northwest corner of Sheppard Avenue West and Yonge Street with HRDOV Yonge Realty Limited (the Tenant). The Tenant has signed the Lease. The Tenant is permitted to terminate the Lease by April 30, 2007 if it has not satisfied itself with respect to certain due diligence matters, including planning approvals. The Committee of Adjustment approved the Tenant's application for the minor variances required for the development of the property in accordance with the Lease, but the decision of the Committee has been appealed to the Ontario Municipal Board (OMB) by an adjoining landowner, and the appeal process will not be completed by April 30, 2007. In order to provide sufficient time for the required OMB hearing, staff recommends that the Lease be amended to extend the Tenant's right to terminate to October 15, 2007. As contemplated by the previous Council authority, subject to the outcome of the Site Plan process, a driveway area, Part 5 on Sketch PS-2005-064, which was to be

licensed to the Tenant, could be included in the leased premises. The planning process indicates that it is appropriate to do so.

Background Information

Report-Amendment to Lease Terms-4804-4812 Yonge Street
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2537.pdf>
 Attachment 1-Sketch PS-2005-064
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2513.pdf>

GM3.23	NO AMENDMENT		Transactional	Ward: 38
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To Declare Surplus the City-owned Parcel of Land adjoining 43 Beachell Street

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. The parcel of land adjoining 43 Beachell Street, being Part of Lot 77 on Plan 142 (the "Property"), be declared surplus to the City's requirements.
2. The Chief Corporate Officer be authorized to list the Property for sale on the open market.
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.
4. City Council approve, as the approving authority under the provisions of the Expropriations Act, the disposal of the Property without giving the original owners from whom the Property were expropriated the first chance to repurchase these lands.

(March 19, 2007) report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that:

1. The parcel of land adjoining 43 Beachell Street, being Part of Lot 77 on Plan 142 (the "Property"), be declared surplus to the City's requirements.
2. The Chief Corporate Officer be authorized to list the Property for sale on the open market.
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.

4. City Council approve, as the approving authority under the provisions of the *Expropriations Act*, the disposal of the Property without giving the original owners from whom the Property were expropriated the first chance to repurchase these lands.

Financial Impact

Revenue will be generated from the eventual sale.

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 43 Beachell Street surplus to municipal requirements and to authorize the Chief Corporate Officer to list the property for sale on the open market.

Background Information

Report-To Declare Surplus the City-owned Parcel of Land adjoining 43 Beachell
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2528.pdf>

Appendix A-Site Map

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2514.pdf>

GM3.25	NO AMENDMENT		Transactional	Ward: 6
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Part of 70 Birmingham Street – Amendments to the Proposed Long-Term Lease

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motion:

1. That Council authorize the proposed long-term lease (the “Lease”) with Her Majesty the Queen in Right of Canada as represented by the Minister of National Defence (“DND”) substantially on the terms and conditions, as set out in Amended Appendix “A” attached, and on such other terms and conditions as may be approved by the Chief Corporate Officer, in consultation with the Chief of Police and in a form acceptable to the City Solicitor.

(March 26, 2007) report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends:

1. That Council authorize the proposed long-term lease (the "Lease") with Her Majesty the Queen in Right of Canada as represented by the Minister of National Defence ("DND") substantially on the terms and conditions, as set out in Amended Appendix "A" attached, and on such other terms and conditions as may be approved by the Chief Corporate Officer, in consultation with the Chief of Police and in a form acceptable to the City Solicitor.

Financial Impact

The earlier Council approved terms and conditions of the proposed lease with DND regarding the total payment amount and schedule have not changed.

This lease will generate a revenue in the amount of approximately \$9,831,685.00. The sum will be paid by DND, in three instalments, during the construction of the TPS training facility and will be transferred to the TPS New Training Facility Capital Project Account No. PL-100021-02 to pay for the costs attributable to the additional space required to accommodate DND at the new TPS training facility. During the term of the lease, DND shall be responsible for its proportionate share of taxes and operating costs of the training facility.

The New Training Facility Capital Project at this site has been approved by the Toronto Police Service Board and City Council. The estimated capital expenditure is included in the TPS 2007-2011 Capital Program.

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 seek authority to revise certain terms of a proposed lease with Her Majesty the Queen in Right of Canada as represented by the Minister of National Defence ("DND") which had been approved by Council at its meeting on July 25, 26 and 27, 2006 by its adoption of Clause No. 20 of Report No. 5 of the Administration Committee. This proposed lease is for the purpose of providing DND with an exclusive area together with shared use of the facilities at the Toronto Police Services training facility to be constructed at 70 Birmingham, City of Toronto.

Background Information

Report-Part of 70 Birmingham Street

<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2526.pdf>

GM3.27	NO AMENDMENT		Transactional	Ward: 5
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To Declare Surplus the City-owned Parcel of Land adjoining 90 Old Mill Road

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. The parcel of land adjoining 90 Old Mill Road, being Lot 14 on Plan M-1052, subject to the reservation of an easement for TTC purposes over the entire area (the "Property"), be declared surplus to the City's requirements.
2. The Chief Corporate Officer be authorized to invite an offer to purchase from the owner of 90 Old Mill Road.
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.
4. City Council approve, as the approving authority under the provisions of the Expropriations Act, the disposal of the Property without giving the original owners from whom the Property was expropriated the first chance to repurchase these lands.

(March 19, 2007) report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that:

1. The parcel of land adjoining 90 Old Mill Road, being Lot 14 on Plan M-1052, subject to the reservation of an easement for TTC purposes over the entire area (the "Property"), be declared surplus to the City's requirements.
2. The Chief Corporate Officer be authorized to invite an offer to purchase from the owner of 90 Old Mill Road.
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.
4. City Council approve, as the approving authority under the provisions of the *Expropriations Act*, the disposal of the Property without giving the original owners from whom the Property was expropriated the first chance to repurchase these lands.

Financial Impact

Revenue will be generated from the eventual sale.

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 90 Old Mill Road surplus to municipal requirements and to authorize the Chief Corporate Officer to invite an offer to purchase from the owner of 90 Old Mill Road.

Background Information

Report-Parcel of Land adjoining 90 Old Mill Road

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2672.pdf>)

Appendix A - Site Map

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2517.pdf>)

GM3.28	NO AMENDMENT		Transactional	Ward: All
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Toronto Hydro Energy Services Inc. - Contract Amendment

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. City Council extend the current sole source arrangement with Toronto Hydro Energy Services Inc. for an additional five year period.
2. The Chief Corporate Officer review this arrangement at or before the end of five years and report back to the Government Management Committee.

(March 21, 2007) report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that:

1. City Council extend the current sole source arrangement with Toronto Hydro Energy Services Inc. for an additional five year period.
2. The Chief Corporate Officer review this arrangement at or before the end of five years and report back to the Government Management Committee.

Financial Impact

There are no financial impacts arising out of this report.

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

Summary

This report provides a status of the sole source arrangements with Toronto Hydro Energy Services Inc. and recommends an extension of the current arrangements. The current policy is to sole source 30% - 40% of the energy retrofit work in City facilities to Toronto Hydro Energy Services Inc.

Background Information

Report-Toronto Hydro Energy Services Inc.-Contract Amendment
<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2523.pdf>

GM3.29	AMENDED		Transactional	Ward: 5
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Update of Proposed Sale of Surplus Property Portions of 3326 Bloor Street West and 1226 Islington Avenue

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. Council adopt the confidential instructions to staff in Attachment 1.
2. Council's instructions to staff be released to the public only if a transaction is successfully completed with SNC, within 60 days of the closing of the SNC transaction.
3. Rescind the declaration that Part 9 on Sketch PS-2007-048 (the Sketch) is surplus to municipal requirements (as it continues to be required for the operation of the TTC's Islington subway and for future public road purposes), and rescind the declaration that the strip of land approximately 4.3 metres in width along the north limit of Bloor Street West adjacent to the Property, as shown on the Sketch, is surplus to municipal requirements (as it is required for a future road widening of Bloor Street West).
4. The Chief Corporate Officer be authorized to execute the Offer to Purchase with SNC-Lavalin Inc in accordance with the Recommendations set out in Attachment 1, on behalf of the City and the proceeds from sale be deposited in the Land Acquisition Reserve Fund.
5. Authority be granted to amend the Section 37 agreement with Finer Space (Fieldway) Corporation dated September 11, 2006, if necessary, and to negotiate an undertaking with Finer Space (Fieldway) Corporation, to expand the terms of an easement for access across 2 Fieldway Road to the Fieldway parking lot in the Hydro Corridor to include the right of access of the City, TTC, Hydro One, SNC and others.
6. Authority be granted for Facilities & Real Estate to pay the owner's legal costs required to amend the Section 37 Agreement with Finer Space (Fieldway) Corporation dated September 11, 2006, if necessary, and to prepare and register the expanded easement for access across 2 Fieldway Road to the Fieldway parking lot in the Hydro Corridor providing the right of access of SNC and its related entities, such costs (up to a maximum of \$5,000.00) to be reimbursed by SNC on its occupation of the Proposed Development of the Property.
7. Authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to the Property.

8. 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), on such terms and conditions as she may from time to time consider reasonable.
9. The appropriate City and TTC officials be authorized and directed to take the necessary action to give effect thereto.

Confidential Attachment 1 to the report (April 24, 2007) from the Chief Corporate Officer, remains confidential in its entirety, at this time, in accordance with the provisions of the City of Toronto Act, 2006, pending the successful completion of a transaction with SNC, as it contains information related to the proposed disposition of land by the City. Council's instructions to staff will be released within 60 days of the closing of a transaction with SNC.

(March 26, 2007) report from Chief Corporate Officer

Committee Recommendations

The Government Management Committee recommends that City Council consider a report from the Chief Corporate Officer.

Financial Impact

There are no financial implications resulting from the adoption of this report. If an offer to purchase from SNC is received by the City, then the financial implications of any transaction will be reported on fully in the transaction report

Summary

On July 25, 26 and 27, 2006, City Council adopted Clause 25 of Report No. 5 of the Administration Committee declaring surplus approximately 8,526m² of land at the Bloor Islington intersection, subject to TTC operational requirements, with the intended method of disposal to be a lease and/or sale transaction with SNC Lavalin Group Inc. (SNC) on a sole-source basis for the development of an office tower. Negotiations with SNC are continuing. If an offer to purchase that staff can recommend to Council is received from SNC by March 30, 2007 staff will report further in a supplementary report to Government Management Committee or, if received subsequently, staff will report directly to Council at its meeting of April 23 and 24, 2007.

Background Information

Report-Update of Proposed Sale of Surplus Property-3326 Bloor/1226 Islington
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2522.pdf>)

Council also considered the following:

- [Report \(April 24, 2007\) from Chief Corporate Officer \(GM3.29a\).](#)

Decision Advice and Other Information

The Government Management Committee requested the Chief Corporate Officer to report directly to Council for its meeting on April 24, 2007 on the status of negotiations with SNC Lavalin Group Inc. (SNC).

GM3.30	NO AMENDMENT		Transactional	Ward: All
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Easement Statute Law Amendment Act, 1990 Annual Report: Year 2006 Notices of Claim (All Wards)

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motion:

1. Council rescind the requirement set out in Clause 12 of Report 4 of the Administration Committee adopted by Council at its meeting held on February 29, March 1, and 2, 2000, that the City Solicitor report annually on the number of properties/easements which required the registration of Notices of Claim pursuant to the ESLAA in that year.

(March 21, 2007) report from City Solicitor

Committee Recommendations

The Government Management Committee recommends that:

1. Council rescind the requirement set out in Clause 12 of Report 4 of the Administration Committee adopted by Council at its meeting held on February 29, March 1, and 2, 2000, that the City Solicitor report annually on the number of properties/easements which required the registration of Notices of Claim pursuant to the ESLAA in that year.

Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

Summary

This report constitutes the required annual report for the year 2006 of searches and registrations under the Easement Statute Law Amendment Act, 1990. ("ESLAA").

Background Information

Report-Easement Statute Law Amendment Act, 1990

(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2518.pdf>)

GM3.31	AMENDED		Policy	Ward: All
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Standing Authority for City Solicitor to Recover Costs for Clean Up of City-Owned Contaminated Lands

City Council Decision

City Council on April 23 and 24, 2007, adopted the following motions:

1. Standing authority be granted to the City Solicitor, on behalf of the City and in consultation with the General Manager of the appropriate Division, to enter into indemnification agreements with people or companies who:
 - a. own or owned property or substances that may have caused or contributed to harm or contamination of City-owned property;
 - b. have or had charge, management or control of pollutants that are believed to or have harmed or contaminated City-owned property;or
 - c. are otherwise responsible for remediating, preventing, or mitigating contamination that occurs on City-owned lands;

in order that the City may be indemnified by such parties for costs that have been or may in future be incurred by the City in taking any steps required to deal with the contamination found on City-owned property.
2. Standing authority be granted to the City Solicitor, in consultation with the General Manager of the appropriate Division, to commence legal proceedings for the purpose of recovering costs that the City has or expects to incur to deal with harm and/or contamination found on City-owned property against people or Corporations that:
 - a. own or owned property or substances that may have caused or contributed to harm or contamination of City-owned property;
 - b. have or had charge, management or control of pollutants that are believed to or have contaminated City-owned property;or
 - c. are otherwise responsible for remediating, preventing, or mitigating contamination that occurs on City-owned lands.
3. The City Solicitor be authorized to take all necessary steps to advance the City's claims, including settling any issue or the claim, where it is concluded that it is

reasonable to do so, appealing any interim or final decision where warranted, and executing any documents in furtherance thereto, all in consultation with the General Manager of the appropriate Division.

4. The City Solicitor be directed to report to Council if and when the City Solicitor, in consultation with the General Manager of the appropriate Division:
 - a. reasonably believes that the cost of the work done by the City or the cost of the work that may or will be done in the future to remediate any contamination on City Lands will be in excess of \$500,000;
 - or
 - b. recommends that an action be settled for an amount in excess of \$500,000.
5. In instances where these provisions are evoked, the local Councillor(s) be notified.
6. The appropriate City officials be authorized and directed to take the necessary action to give effect hereto.

(March 19, 2007) report from City Solicitor

Committee Recommendations

The Government Management Committee recommends that:

1. Standing authority be granted to the City Solicitor, on behalf of the City and in consultation with the General Manager of the appropriate Division, to enter into indemnification agreements with people or companies who:
 - a. Own or owned property or substances that may have caused or contributed to harm or contamination of City-owned property.
 - b. Have or had charge, management or control of pollutants that are believed to or have harmed or contaminated City-owned property.
 - or
 - c. Are otherwise responsible for remediating, preventing, or mitigating contamination that occurs on City-owned lands.

in order that the City may be indemnified by such parties for costs that have been or may in future be incurred by the City in taking any steps required to deal with the contamination found on City-owned property.

2. Standing authority be granted to the City Solicitor, in consultation with the General Manager of the appropriate Division, to commence legal proceedings for the purpose of

recovering costs that the City has or expects to incur to deal with harm and/or contamination found on City-owned property against people or Corporations that:

- a. Own or owned property or substances that may have caused or contributed to harm or contamination of City-owned property.
 - b. Have or had charge, management or control of pollutants that are believed to or have contaminated City-owned property.
- or
- c. Are otherwise responsible for remediating, preventing, or mitigating contamination that occurs on City-owned lands.
3. The City Solicitor be authorized to take all necessary steps to advance the City's claims, including settling any issue or the claim, where it is concluded that it is reasonable to do so, appealing any interim or final decision where warranted, and executing any documents in furtherance thereto, all in consultation with the General Manager of the appropriate Division.
 4. The City Solicitor be directed to report to Council if and when the City Solicitor, in consultation with the General Manager of the appropriate Division:
 - a. Reasonably believes that the cost of the work done by the City or the cost of the work that may or will be done in the future to remediate any contamination on City Lands will be in excess of \$500,000.

or

 - b. Recommends that an action be settled for an amount in excess of \$500,000.
 5. The appropriate City officials be authorized and directed to take the necessary action to give effect hereto.

Summary

This report requests standing authority from Council to enable the City Solicitor to:

- a. Enter into indemnity agreements with parties responsible for causing or contributing to contamination of City lands.
- OR
- b. To commence litigation against parties who have caused or contributed to contamination of City lands.

Standing authority is being sought to permit the City Solicitor to act more quickly in situations where contamination is discovered on City lands and to avoid the need to seek authority from Council to commence routine litigation to collect costs incurred by the City or enter into

indemnity agreements to protect the City's ability to collect costs in the future. If standing authority is granted, the City Solicitor will only be required to report to Council in situations where it is believed the cost of work done or to be done in the future in connection with a specific property or project may exceed \$500,000, or where the City is proposing to settle an action for an amount in excess of \$500,000.

Background Information

Report-Standing Authority for City Solicitor to Recover Costs
(<http://www.toronto.ca/legdocs/mmis/2007/gm/bgrd/backgroundfile-2519.pdf>)

Noted and Filed Items:

The Government Management Committee noted and filed the following agenda item(s):

GM3.3 Amending the Fair Wage Schedules

(January 11, 2007) report from the Manager, Fair Wage Office

GM3.3a (February 1, 2007) report from the Manager, Fair Wage Office

GM3.3b (March 23, 2007) report from the Manager, Fair Wage Office

Submitted Thursday, April 12, 2007

Deputy Speaker Councillor Gloria Lindsay Luby, Chair, Government Management Committee