

---

## Government Management Committee

<b>Meeting No.</b>	12	<b>Contact</b>	Yvonne Davies, Committee Administrator
<b>Meeting Date</b>	Thursday, February 14, 2008	<b>Phone</b>	416-392-7443
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	ydavies@toronto.ca
<b>Location</b>	Committee Room 1, City Hall		

---

Government Management Committee		
Councillor Gloria Lindsay Luby, Chair Councillor Bill Saundercook, Vice-Chair	Councillor Paul Ainslie Councillor Doug Holyday	Councillor Clifford Jenkins Councillor Cesar Palacio

**Members of Council and Staff:** Please keep this agenda and the accompanying material until the City Council meeting dealing with these matters has ended. **The City Clerk's Office will not provide additional copies.**

**Special Assistance for Members of the Public:** City staff can arrange for special assistance with some advance notice. If you need special assistance, please call 416-392-7039, TTY 416-338-0889 or e-mail [govmgmt@toronto.ca](mailto:govmgmt@toronto.ca).

**Closed Meeting Requirements:** If the Government Management Committee wants to meet in closed session (privately), a member of the Committee must make a motion to do so and give the reason why the Committee has to meet privately (City of Toronto Act, 2006)

**Notice to people writing or making a presentation to the Committee:** The City of Toronto Act, 2006 and the City of Toronto Municipal Code authorize the City of Toronto to collect any personal information in your communication or presentation to City Council or its committees.

The City collects this information to enable it to make informed decisions on the relevant issue(s). If you are submitting letters, faxes, e-mails, presentations or other communications to the City, you should be aware that your name and the fact that you communicated with the City will become part of the public record and will appear on the City's website. The City will also make your communication and any personal information in it – such as your postal address, telephone number or e-mail address – available to the public, unless you expressly request the City to remove it.

The City videotapes committee and community council meetings. If you make a presentation to a committee or community council, the City will be videotaping you and City staff may make the video tapes available to the public.

If you want to learn more about why and how the City collects your information, write to the City Clerk's Office, City Hall, 100 Queen Street West, Toronto ON M5H 2N2 or call 416-392-7039.

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

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

**Schedule of Timed Items - 10:00 a.m. Item GM12.8**  
**10:15 a.m. Item GM12.1**  
**10:30 a.m. Item GM12.6**  
**1:30 p.m. Item GM12.4**  
**1:30 p.m. Item GM12.5**

**Confirmation of Minutes – January 18, 2008**

**Communications/Reports**

GM12.1	Presentation	10:15 AM		
--------	--------------	----------	--	--

**Environmental Initiatives**

Presentation from Chief Financial Officer and Deputy City Manager

**Summary**

Chief Financial Officer and Deputy City Manager to give an update on Internal Services Environmental Initiatives

GM12.2	ACTION			Ward: All
--------	--------	--	--	-----------

**Authority for City Solicitor to Recover Unpaid Industrial Waste Surcharges**

(January 31, 2008) Report from City Solicitor

**Recommendations**

The City Solicitor recommends that:

1. Council ratify all steps taken to date in the litigation commenced against the Companies to recover unpaid industrial waste surcharges totalling \$44,776.81, and to grant authority to continue the litigation, to appeal any decision where warranted, to discontinue or to settle the action or claim where it is concluded that it is reasonable to do so (including authority to effect a write off of any amounts as necessary), and to execute any documents in furtherance hereto, all in consultation with the General Manager, Toronto Water, or his designate.
2. The appropriate City Officials be authorized and directed to take the necessary action to give effect hereto.

### Financial Impact

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

### Summary

This report is to obtain ratification of all steps taken to date to initiate litigation against 566264 Ontario Inc., 1632735 Ontario Inc. and 1671193 Ontario Inc. operating as Wing Loon Food Products Company Ltd. a.k.a. Wing Loon Food Products Co. a.k.a. Wing Loon Food Products Co. Ltd. a.k.a. Wing Loon Food Products Co., Ltd. a.k.a. Wing Loon Food Products Company a.k.a. Wing Loon Food Products Company Ltd. (collectively referred to as the "Companies"), to recover unpaid industrial waste surcharges totalling \$44,776.81, plus interest and costs.

### Background Information

Report - Authority for City Solicitor to Recover Unpaid Industrial Waste Surcharges  
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10511.pdf>

GM12.3	ACTION			Ward: All
--------	--------	--	--	-----------

### Authority for City Solicitor to Recover Damages Incurred Due to Improper Construction

(January 31, 2008) Report from City Solicitor

### Recommendations

The City Solicitor recommends that:

1. Council ratify all steps taken to date in the litigation commenced against Advice and Sovereign to recover the Costs totalling \$22,573.13, and to grant authority to continue the litigation, to appeal any decision where warranted, to discontinue or to settle the action or claim where it is concluded that it is reasonable to do so (including authority to effect a write off of any amounts as necessary), and to execute any documents in furtherance hereto, all in consultation with the Executive Director, Technical Services, or his designate.
2. The appropriate City Officials be authorized and directed to take the necessary action to give effect hereto.

### Financial Impact

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

### Summary

This report is to obtain ratification of all steps taken to date to initiate litigation against Advice Contracting Limited ("Advice") and its bonding company, The Sovereign General Insurance

Company (“Sovereign”), to recover costs incurred by the City to repair damage to infrastructure caused by the improper installation of a watermain by Advice (the “Costs”), in the amount of \$22,573.13, plus interest and costs.

### Background Information

Report - Authority for City Solicitor to Recover Damages Incurred Due to Improper Construction

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10512.pdf>)

GM12.4	ACTION	1:30 PM		Ward: All
--------	--------	---------	--	-----------

### Cancellation, Reduction or Refund of Property Taxes

*Statutory - City of Toronto Act, 2006*

(January 28, 2008) Report from Treasurer

### Recommendations

The Treasurer recommends that:

- 1 The individual tax appeal applications made pursuant to section 323 of the *City of Toronto Act, 2006* resulting in tax reductions totalling \$1,131,482.02, including reductions in Business Improvements Area charges and excluding phase-in/capping adjustments, as identified in Appendix A, be approved.
- 2 The individual tax appeal applications made pursuant to section 325 of the *City of Toronto Act, 2006* resulting in tax reductions totalling \$151,891.27 including reductions in Business Improvements Area charges and excluding phase-in/capping adjustments, as identified in Appendix B, be approved.
3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

### Financial Impact

The financial impact of approving the individual tax appeal applications (excluding phase-in/capping adjustments), as identified in Appendices A and B, attached, is summarized Table 1 below:

Table 1: Appeals Summary

Appendix	No. of Applications	Recommended Tax Reduction Total	City Share	Education Share	BIA
A	130	\$1,131,482.02	\$692,914.70	\$438,067.89	\$499.43
B	12	\$ 151,891.27	\$ 73,952.70	\$ 77,938.57	\$ 0
Total	142	\$1,283,373.29	\$766,867.40	\$516,006.46	\$499.43

The City's share of \$766,867.40 will be funded from the 2008 Tax Deficiency Account (Non-Program Budget). The education share of \$516,006.46 will be recovered from the province/school boards, and the Business Improvement Area (BIA) reductions of \$499.43 will be funded from the respective BIA provision.

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

## Summary

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

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

Staff have mailed Notices of Hearing to affected taxpayers and recommend approval of the applications as listed in Appendices A and B.

## Background Information

Report - Cancellation, Reduction or Refund of Property Taxes

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10513.pdf>)

Appendix A - GM12-4

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10514.pdf>)

Appendix B - GM12-4

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10515.pdf>)

GM12.5	ACTION	1:30 PM		Ward: All
--------	--------	---------	--	-----------

## Apportionment of Property Taxes – February 2008 Hearing

*Statutory - City of Toronto Act, 2006*

(January 28, 2008) Report from Treasurer

## Recommendations

The Treasurer recommends that:

1. The property tax in the amounts identified in Appendix A and Appendix B, under the columns entitled "Apportioned Tax" and "Apportioned Phase In/Capping", be approved.

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

### **Financial Impact**

Appendices A and B identify that approximately \$73,812.78 (as at January 23, 2008) in penalty/interest charges has accumulated on the tax accounts pending the initiation of the process to reallocate the taxes. This amount, and any other interest that will accumulate on the accounts pending the finalization of the process, will be written off. Funding for the write-off of the interest/penalty amount is provided for in the 2008 Tax Penalty Account (Non-Program Budget).

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

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

### **Summary**

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

If after the assessment roll is provided to municipalities, a property is severed and split into two or more parcels of land (e.g. when a single property is redeveloped into condominiums/townhouses/new homes), any taxes that remain unpaid on the single property (which no longer exists once the property is re-developed) may need to be removed from the original property and divided amongst the newly created properties.

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

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

This report recommends approval of 35 applications initiated by both the Treasurer and taxpayers for the properties listed in Appendices A and B (attached).

### Background Information

Report - Apportionment of Property Taxes - February 2008 Hearing  
(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10517.pdf>)

Appendix A - GM12-5  
(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10518.pdf>)

Appendix B - GM12-5  
(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10519.pdf>)

GM12.6	ACTION	10:30 AM		Ward: All
--------	--------	----------	--	-----------

### Green Fleet Plan 2008-2011

#### Presentation

(January 31, 2008) Report from Chief Corporate Officer

#### Recommendations

The Chief Corporate Officer recommends that:

Re: Emission reduction targets

1. Fleet Services Division ensure its fleet operations meet or surpass the emission reduction targets adopted by Council:
  - a. reduction targets for greenhouse gas emissions from the 1990 levels of 6% by 2012 (the “Kyoto target”); 30% by 2020; and 80% by 2050; and
  - b. a 20% reduction target for locally generated smog causing pollutants from 2004 levels by 2012.

Re: Vehicles

2. Fleet Services Division contain fleet size and purchase fuel-efficient, right-sized vehicles as a standard practice across all Divisions, if they are commercially available and meet operational needs, specifically:
  - a. contain the size of the City’s fleet by working with Divisions to reduce the number of vehicles required and kilometres travelled, use vehicles more efficiently and delete underused vehicles from the fleet or move them to other City operations;
  - b. purchase the right size of vehicle for the job, using small vehicles where they meet operational needs; and

- c. purchase the most fuel-efficient vehicle, or lowest-emitting vehicle, that is commercially available and meets operational needs.
3. Fleet Services Division replace the following numbers of City vehicles with green vehicles, giving priority to the cleanest technologies: At a minimum, replace 80 vehicles in 2008, 100 vehicles in 2009, 140 vehicles in 2010 and 200 vehicles in 2011.
  4. Fleet Services Division pilot test promising green vehicle technologies and work with industry to accelerate development and large-scale adoption in Canada by:
    - a. actively seeking, pilot testing and incorporating green vehicles and technologies into the City's fleet;
    - b. pilot testing more plug-in electric vehicles and ensuring that they are re-charged at night using off-peak electricity where possible;
    - c. working with Toronto Atmospheric Fund to expand the Toronto Plug-in Hybrid Electric Vehicle Project to a larger consortium of fleet managers, potentially to include GTA municipalities and utilities;
    - d. pilot testing full-electric vehicles as well as recharging station technologies and options, in partnership with the Toronto Atmospheric Fund and the Toronto Parking Authority;
    - e. evaluating electric, low-speed vehicles for City of Toronto operations and pilot testing these vehicles if the evaluation indicates they will be beneficial;
    - f. pilot testing green trucks, including light-duty, medium-duty and heavy-duty vehicles, targeting those that idle excessively such as delivery trucks and garbage packers, and sharing results with municipal and private fleet managers;
    - g. developing, in collaboration with the Toronto Atmospheric Fund, a Low-Carbon Truck Pilot Project that pilot tests hybrid, plug-in hybrid, and all-electric truck technologies;
    - h. pilot testing hydrogen-powered vehicles;
    - i. adding hybrid-electric aerial tower trucks to the City's fleet;
    - j. replacing all of the City's old street sweepers with "regenerative-air" dustless sweepers that trap fine particulate matter (PM<sub>2.5</sub>) pollution and have cleaner diesel engines;
    - k. adding electric, zero-emission ice resurfacers to the City's fleet; and
    - l. continuing to review the merits and applicability of natural gas vehicles.



5. Fleet Services Division identify and incorporate equipment and practices that reduce fuel consumption, pollutant emissions and idling by the City's vehicles, such as:
  - a. procure LED lights, batteries, inverters, space heaters or other equipment that reduces the need to idle a vehicle for long periods in order to operate lights, arrow boards and other necessary tools; and
  - b. install electric plugs for truck block heaters at all major Solid Waste yards where feasible, and develop a policy to ensure they are used by staff to reduce unnecessary vehicle idling.
6. Fleet Services Division replace the oldest vehicles with cleaner, modern technology by continuing to accelerate the replacement of overdue City vehicles.
7. Fleet Services Division include in all vehicle procurement specifications green vehicle attributes, such as fuel efficiency and low emissions, and provide an appropriate weighting for these attributes when selecting a product.

Re: Fuels

8. Fleet Services Division evaluate biofuels to determine which products and feedstocks provide the greatest environmental benefits on a life-cycle basis.
9. Fleet Services Division evaluate the use of biofuels with the federally mandated new diesel engines (2007 US EPA compliant models) and emission control devices to optimize emission reductions achieved by the City.
10. Fleet Services Division expand the bio-fuels program to deliver bio-fuels to all City Divisions.
11. Fleet Services Division explore the feasibility of using bio-diesel in off-road diesel fuel, and implement a pilot project if feasible.
12. Fleet Services Division use clean sources of energy for vehicles, including bio-fuels from sustainable feedstocks as they become available, for example ethanol produced from cellulose.
13. Fleet Services Division advocate for sustainable electricity in Ontario, including conservation, renewables and the timely phase out of coal-fired electricity, to ensure the environmental benefits of plug-in and all-electric vehicles are realized.

Re: Sustainable choices

14. Fleet Services Division host the annual Green Fleet Expo with the City of Hamilton, Fleet Challenge and other partners to provide public and private fleet managers and members of the public with an opportunity to learn about green fleet technologies and practices.

15. Fleet Services Division encourage other municipalities and private companies to green their fleets, and share Toronto's experience by:
  - a. participating in Fleet Challenge in 2008 by presenting Toronto's green fleet experience to other Ontario municipalities;
  - b. sharing information with Greater Toronto Area municipal fleet managers through the GTA Clean Air Council;
  - c. sharing information with public and private fleet managers through the Canadian Association of Municipal Fleet Managers (CAMFM), National Association of Fleet Administrators (NAFA Canada) and Municipal Equipment and Operations Association (MEOA); and
  - d. working with the Director of the Toronto Environment Office to create a Greening Commercial Fleets Enviro-Action Working Group consisting of representatives of the National Association of Fleet Administrators and operators of large fleets in the areas of phone, cable, utilities, retail and courier providers to work together to identify and implement actions that green these fleets and achieve a reduction in emissions city-wide.
16. Fleet Services Division provide technical support to the Toronto Transit Commission, Emergency Medical Services, Toronto Fire Services, Toronto Police Service and other Agencies, Boards and Commissions in developing and implementing their consolidated green fleet plans.
17. Fleet Services Division provide technical support to Municipal Licensing and Standards, Toronto Atmospheric Fund and other partners in their efforts to green the fleets of vehicles that are licensed by the City (e.g. taxis).
18. Fleet Services Division support the City's Bike Share program for staff by providing bike procurement assistance, safety training and maintenance for a pool of City bicycles.
19. Fleet Services Division provide information and assistance to support establishment of bicycle infrastructure at City facilities by Facilities and Real Estate, including bike parking, bike lockers and other ancillary facilities as appropriate.
20. Fleet Services Division promote the City's Idle-Free Policy and ten-second idling rule for City staff.
21. Fleet Services Division continue to provide Idle-Free training in staff driver training courses, to monitor staff compliance with the ten-second idling rule, and to follow up with staff found to be idling.
22. Fleet Services Division determine the feasibility of establishing a policy prohibiting City vehicles from drive-throughs, and establish the policy if feasible.

23. Fleet Services Division encourage other orders of government to support policies and incentives that encourage the use of sustainable vehicles, fuels and practices.
24. Fleet Services Division work with Divisions to explore the feasibility of making green pool vehicles available to staff who require their vehicle for work.
25. Fleet Services Division investigate and implement ways to reduce the number of work-related vehicle trips taken by Fleet Services staff, such as increasing the use of conference calls and scanners to share information between work sites.
26. Fleet Services Division work with other Divisions to encourage City of Toronto employees to make sustainable transportation choices on their commute and at home, including by providing information on green vehicles and commuting alternatives to City staff.
27. Fleet Services Division support the Smart Commute program by providing data and information and promoting the program as it is rolled out to all City employees.
28. Fleet Services Division provide information to the public on green vehicles and funding incentives on Fleet Services' website.
29. Fleet Services Division promote green vehicles at public events such as the Green Living Show, Canadian National Exhibition and Green Toronto Festival.

Re: Maintenance and management practices

30. Fleet Services Division investigate the feasibility and benefit of adopting additional green practices at Fleet maintenance facilities, such as using synthetic oils and extending the time between oil changes.
31. Fleet Services Division continue to reduce the number of fuel sites operated by the City of Toronto by consolidating, upgrading or closing fuel sites, in consultation with client Divisions.
32. Fleet Services Division have the City's fleet reviewed and rated under the E3 Fleet Rating System to identify opportunities to reduce fuel use and pollutant emissions and measure Toronto's fleet against available environmental benchmarks.
33. Fleet Services Division examine the practices used by international municipal green fleet leaders such as New York City and Los Angeles, and incorporate successful practices into Toronto's fleet operations where feasible.
34. Fleet Services Division undertake a study to confirm that the actions Fleet Services is taking will meet the emission reduction targets for greenhouse gases and smog pollutants.

35. Fleet Services Division request funding in 2009 and later years to provide an operating budget for emission reduction assessment studies and green fuel premiums.
36. Fleet Services Division seek funding opportunities to enable the City to accelerate greening of its fleet.
37. Fleet Services Division include green fleet practices in tenders for work done by private contractors, such as a requirement to use fuel-efficient vehicles for City business and to prevent idling, and consider this information in the selection process.
38. Fleet Services Division provide annual updates on progress achieved in meeting the commitments and targets of the Green Fleet Plan 2008-2011 on Fleet Services' website.
39. This report be forwarded to Parks and Environment Committee for information.

### Implementation Points

The recommendations will be implemented by Fleet Services Division in concert with its client Divisions and some Agencies, Boards and Commissions. The Green Fleet Plan 2008-2011 focuses on the City's central, 4,700-vehicle fleet managed by Fleet Services Division. Fleet Services is also assisting the TTC, Police, Fire and EMS in preparing their own green fleet plans, as directed by Council.

### Financial Impact

The City can reduce its emissions by greening its vehicle fleet. This means using environmentally sustainable vehicles, fuels, and practices that reduce fuel consumption. Greening the fleet and reducing fuel use helps the City conserve financial resources and also meet its clean air and climate protection goals.

It is projected that the implementation of the Green Fleet Plan 2008-2011 will result in a net savings of \$2.032 million over four years, summarized as follows:

	Capital Cost ('000s)	Operating Cost* ('000s)	Total Cost ('000s)
2008	\$500	- \$917	- \$417
2009	\$500	- \$947	- \$447
2010	\$500	- \$1,027	- \$527
2011	\$500	- \$1,141	- \$641
<b>Total</b>	<b>\$2,000</b>	<b>- \$4,032</b>	<b>- \$2,032</b>

\* Operating costs are net costs after fuel savings have been deducted.

The total capital cost over four years will be \$2.000 million. The Fleet Services 2008 Approved Capital Budget and 2009-2012 Capital Plan include an annual provision of \$0.500 million for green fleet initiatives. The Green Fleet Fund is to fund the incremental costs associated with new technologies such as hybrids, electric vehicles and other alternative vehicles.

There will be a net savings in operating costs of approximately \$4.032 million. Savings are expected from the reduction in fuel costs, offset by the additional cost of some alternative fuels such as ethanol.

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

### Summary

The City of Toronto is introducing Phase II of its green fleet planning process, the Green Fleet Plan 2008-2011, as directed by Council. Toronto is greening its vehicle fleet operations to reduce fuel use, fuel costs and emissions of greenhouse gases and smog-causing pollutants, and reduce the fleet's environmental impact.

The Green Fleet Plan 2008-2011 presents a list of actions that the City will undertake over the next four years, led by the Fleet Services Division. These actions form the recommendations of this staff report. The actions cover five topic areas: Emission-reduction targets, Vehicles, Fuels, Sustainable choices and Maintenance and management practices. By implementing the plan, in 2008-2011 the City of Toronto is expected to reduce carbon dioxide emissions from the City's central vehicle fleet by approximately 15 million kilograms (15,000 tonnes, or 11 percent), compared to the emissions from conventional vehicles, fuels and activities. With the proposed implementation of the Toronto Green Fleet Plan 2008-2011, the cost savings are estimated to be \$2.032 million over four years.

### Background Information

Report - Green Fleet Plan 2008-2011

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10520.pdf>

Attachment - GM12-6

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10521.pdf>

GM12.7	ACTION			Ward: 20
--------	--------	--	--	----------

### **Sale of City-owned Leased Property at 192A Bloor Street West to McDonald's Restaurants of Canada Limited**

**(Deferred from January 18, 2008 - 2008.GM11.7)**

**Confidential Attachment - 1 - The security of the property of the municipality or local board**

(January 3, 2008) Report from Chief Corporate Officer

## Recommendations

The Chief Corporate Officer recommends that:

1. The Offer to Purchase from McDonald's of that portion of the City-owned land located at 192A Bloor Street West being Part of Lot 1 on Registered Plan 289, the said portion being shown as Parts 1, 2 and 5 on Sketch No. PS-2007-278 attached (the "Property") be accepted substantially on the terms and conditions outlined in Appendix "A" to this report, and that each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City.
2. The surplus declaration with respect to that portion of Lot 1 on Registered Plan 289 depicted as Parts 3 and 4 on Sketch PS-2007-278 be rescinded.
3. The City enter into an encroachment agreement with McDonald's to allow the existing structure and appurtenances to remain within that portion of the land to be retained by the City shown as Part 3 on Sketch PS-2007-278 for the life of the existing building.
4. The City Solicitor be authorized to complete the transaction(s) 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.
5. Authority be granted to direct a portion of the proceeds of closing to fund the outstanding expenses related to the property and the completion of the sale transaction.
6. Council authorize the public release of the confidential information in Attachment 1, if Council accepts the Offer and the transaction is completed to the satisfaction of the City Solicitor.

## Financial Impact

If Council accepts the Offer to Purchase from McDonald's, revenue in the amount of \$3,380,000.00 plus GST, if applicable, less closing costs and the usual adjustments, is anticipated from this sale.

If Council chooses not to accept the Offer to Purchase from McDonald's, staff shall resume negotiations with McDonald's with respect to a new rental rate, which may be higher or lower than the \$195,000.00 per annum estimated by staff and applicable to the lease renewal term commencing January 1, 2005 for 33 years.

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 stratification and sale of a City-owned surplus property municipally known as 192A Bloor Street West, currently leased to McDonald's Restaurants of Canada Limited ("McDonald's"). It is also to provide information, in the confidential attachment, with regards to the motions made during the in camera session at the Government Management Committee (GMC) meeting on December 3, 2007.

Having completed negotiations with McDonald's, we are seeking authority to enter into an agreement of purchase and sale with McDonald's substantially on the terms and conditions outlined in the attached Appendix "A".

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

### **Background Information**

Report - Sale of City-owned Leased Property at 192A Bloor Street West to McDonald's Restaurants of Canada Limited

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10499.pdf>)

Appendix A - GM12-7

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10500.pdf>)

Appendix B - GM12-7

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10501.pdf>)

Confidential Attachment 1 - GM12-7

GM12.8	Information	10:00 AM		Ward: 44
--------	-------------	----------	--	----------

### **Possibility of Bringing the 2.3 acre Parcel of Land Abutting Port Union Village Common Park into Public Ownership**

**Deferred from January 18, 2008 meeting for public presentation and debate**

#### **Speakers**

(December 13, 2007) Report from Chief Corporate Officer

#### **Financial Impact**

There is no financial impact.

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 respond to the Scarborough Community Council's request that the Chief Corporate Officer report to the Government Management Committee on the possibility of bringing the 2.3 acre parcel of land abutting Port Union Village Common Park into public ownership for enhancement of the Port Union Park and increased parking supply for park users. Discussions with the Parks, Forestry and Recreation Division and the Toronto Parking Authority have determined that there is no municipal purpose or funding to acquire the 2.3 acre parcel of land.

### Background Information

Report - Possibility of Bringing the 2.3 acre Parcel of Land Abutting Port Union Village Common Park into Public Ownership

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10503.pdf>)

Appendix A - GM12-8

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10504.pdf>)

GM12.9	ACTION			Ward: 6
--------	--------	--	--	---------

### Potential Acquisition of 2427 Lake Shore Boulevard West (Amos Waites Park)

(January 29, 2008) Report from Chief Corporate Officer

#### Recommendation

The Chief Corporate Officer recommends that:

1. The Committee consider a subsequent report from the Chief Corporate Officer on the proposed acquisition of 2427 Lake Shore Boulevard West.

#### Financial Impact

There are no financial implications resulting from 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 property known as 2427 Lake Shore Boulevard West is a privately owned site consisting of approximately 5,617 ft<sup>2</sup> and is part of a block of properties known as 2423 to 2437 Lake Shore Boulevard West. The former City of Etobicoke acquired 2435 – 2437 Lakeshore Boulevard West in 1991 for the purposes of expanding Amos Waites Park. A future parkland conveyance to the City of the property known as 2423-2425 Lake Shore Boulevard West is pending through the development planning process. Negotiations with the Owner of 2427 Lake Shore Boulevard West have been on-going since the fall of 2005 and since the death of the owner in September of 2007, with the estate trustee.

### Background Information

Report - Potential Acquisition of 2427 Lake Shore Boulevard West (Amos Waites Park)

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10522.pdf>)

Appendix A - GM12-9

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10523.pdf>)



GM12.10	ACTION			Ward: 12
---------	--------	--	--	----------

## **Acquisition of Provincial Lands - Southeast Corner of Black Creek Drive and Eglinton Avenue West**

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

(January 29, 2008) Report from Chief Corporate Officer

#### **Recommendations**

The Chief Corporate Officer recommends that:

1. Authority be granted to enter into an Agreement of Purchase and Sale with Her Majesty The Queen in right of the Province Of Ontario represented by the Ministry of Transportation for Ontario for the acquisition of the property located at the southeast corner of Black Creek Drive and Eglinton Avenue West, designated as Parts 1 to 21 inclusive on Plan 66R-23258 in the City of Toronto (the "Property"), substantially on the terms outlined in Appendix "A" and on such other or varied terms as are satisfactory to the Chief Corporate Officer in consultation with the General Manager of Parks, Forestry and Recreation, and in a form satisfactory to the City Solicitor.
2. Authority be granted to the Chief Corporate Officer in consultation with the General Manager of Parks, Forestry and Recreation to negotiate and approve such other related agreements and documentation deemed necessary or desirable by them to acquire the Property, in a form acceptable to the City Solicitor.
3. An exemption be granted from the policy in effect which would preclude the City from acquiring lands that are either not clean or remediated to Ministry of Environment (Ontario) standards.
4. The City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses, amending the closing date and the due diligence or other dates to such earlier or later date(s), and amending and/or waiving terms and conditions in favour of the City, all on such terms and conditions as she may from time to time consider reasonable.
5. Council adopt the Confidential Recommendations in Attachment 1 in this report.
6. The Confidential Information in Attachment 1 remain confidential.
7. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

## Financial Impact

Funding for this acquisition and associated costs is available in the 2008 Capital Budget for Parks, Forestry and Recreation. Details are provided in the confidential attachment.

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

## Summary

Real Estate Services seeks authority for the City of Toronto to acquire lands at the southeast corner of Black Creek Drive and Eglinton Avenue West, shown as Parts A and B on Appendix “B” for the proposed York Community Centre facility to be located on Part A.

In 1960, the former Corporation of the Township of York sold the property to, and leased it back from, Her Majesty The Queen in Right of the Province of Ontario represented by The Minister of Transportation for Ontario.

Negotiations to repurchase the property have been ongoing with MTO’s agent, Ontario Realty Corporation (“ORC”), since December 2006. The agreement of purchase and sale cannot be finalized until the results are known of ORC’s re-submission to Provincial Treasury Board/Cabinet to remove an objectionable “Move Ontario 2020 Transit Proposal” directive in Cabinet’s earlier approval. However, all interested parties are supportive and it is anticipated that this will occur shortly. Appendix “A” describes the terms of the proposed acquisition which are considered fair and reasonable.

## Background Information

Report - Acquisition of Provincial Lands - Southeast Corner of Black Creek Drive and Eglinton Avenue West

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10524.pdf>

Confidential Attachment 1 - GM12-10

GM12.11	ACTION			Ward: 5
---------	--------	--	--	---------

## Lease Renewal 1243 Islington Avenue – 9,716 Square Feet of Rentable Area for Children’s Services

(January 23, 2008) Report from Chief Corporate Officer

## Recommendations

The Chief Corporate Officer recommends that:

1. Council authorize the lease renewal for the premises at 1243 Islington Avenue with Islington Professional Centre Holdings Inc. (the “Landlord”) consisting of an area of approximately 9,716 square feet, at a basic rental rate of \$14.00 per square foot, commencing on January 01, 2008 and expiring on February 28, 2012 with an option to renew for a further five (5) year term, and based substantially on the terms and conditions as set out in the attached Appendix “A” and in a form acceptable to the City Solicitor.

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

### Financial Impact

The total expenditure for the five (5) year term of the lease, commencing January 1, 2008, is estimated to be approximately \$1,476,520, plus GST.

Funding for 2008, including basic rental rate, office improvements, and parking, is estimated to be in the amount of approximately \$297,948, plus GST and it is available in the 2008 Operating Budget for Children's Services.

The Funding requirement for the 2009-2012 will be included in the respective year's Children's Services Budget Submission and accommodated within approved budget targets.

Particulars	Year 1 01/01/08- 12/31/08	Year 2 01/01/09- 12/31/09	Year 3 01/01/10 12/31/10	Year 4 01/01/11- 12/31/11	Year 5 01/01/12- 12/31/12	5-Year Estimated Total
Base Rent per sq.ft. 9,716 sq.ft. @ \$14/sf	\$14.00 \$136,024	\$14.00 \$136,024	\$14.70 \$142,825	\$14.70 \$142,825	\$14.70 \$142,825	<b>\$700,523</b>
Additional Rent/sq.ft. Estimated 2008 at \$14 per sq.ft.& adjusted by 5% annually	\$14.00 \$136,024	\$14.70 \$142,825	\$15.43 \$149,966	\$16.20 \$157,413	\$17.01 \$165,269	<b>\$751,497</b>
Parking 9 Spaces	\$900	\$900	\$900	\$900	\$900	<b>\$4,500</b>
Office Improvements	\$25,000					<b>\$25,000</b>
<b>Total</b>	<b>\$297,948</b>	<b>\$279,749</b>	<b>\$293,691</b>	<b>\$301,138</b>	<b>\$308,994</b>	<b>\$1,481,520</b>

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

### Summary

The purpose of this Report is to obtain Council's authority to enter into a lease renewal agreement for Children's Services for the premises at 1243 Islington Avenue, having a rentable area of approximately 9,716 square feet, for a five (5) year term commencing January 1, 2008.

The proposed lease renewal would be substantially on the terms and conditions outlined in Appendix "A" to this report.

## Background Information

Report - Lease Renewal 1243 Islington Avenue - 9,716 Square Feet of Rentable Area for Children's Services

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10526.pdf>)

GM12.12	ACTION			Ward: 27
---------	--------	--	--	----------

## Sale of the Public Lane at the Rear of 709 and 711 Yonge Street, Extending Northerly from Hayden Street

(January 29, 2008) Report from Chief Corporate Officer

### Recommendations

The Chief Corporate Officer recommends that:

1. Subject to City Council authorizing the permanent closure of the public lane at the rear of 709 and 711 Yonge Street, being an unnamed road on Plan 163 and also shown as Part 1 on Sketch No. PS-2007-248 (the "Lane"), the City of Toronto enter into an Agreement of Purchase and Sale with the adjoining owners, One Bloor Street East Limited (the "Purchaser"), for the sale of the Lane, in the amount of \$1,170,000.00, substantially on the terms and conditions outlined in Appendix "A" to this report.
2. Authority be granted to direct a portion of the proceeds of closing to fund the outstanding expenses related to the Lane and the completion of the sale transaction.
3. The City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.

### Financial Impact

We anticipate revenue in the amount of \$1,170,000.00, (net of GST), less closing costs and the usual adjustments from this 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 authorize the sale of a public lane adjoining the easterly limit of 709 and 711 Yonge Street, to the adjoining land owners (One Bloor Street East Limited).

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

### Background Information

Report - Sale of the Public Lane at the Rear of 709 and 711 Yonge Street, Extending Northerly from Hayden Street

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10527.pdf>)

Appendix A - GM12-12

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10528.pdf>)

Appendix B - GM12-12

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10529.pdf>)

GM12.13	ACTION			Ward: 27
---------	--------	--	--	----------

### Release of City Interest in 261 Jarvis Street to the Toronto Community Housing Corporation

(February 1, 2008) Report from Chief Corporate Officer and General Manager, Parks, Forestry and Recreation

### Recommendations

The Chief Corporate Officer and the General Manager of Parks, Forestry and Recreation recommend that:

1. Subject to the approval of the TCHC Board of Directors, which is scheduled to meet on February 13<sup>th</sup>, 2008, the City release TCHC from its obligation to re-convey the Recreation Facility to the City in exchange for TCHC agreeing to pay to the City the sum of \$1,200,000 on the terms and conditions outlined in the body of this report.
2. Staff be authorized to amend the Master Agreement, Shared Facilities Agreement and ancillary documentation relevant to the Recreation Facility and to execute such additional documents as are required in connection with the completion of the transaction authorized by this Report.
3. The City Solicitor be authorized to attend to the closing of the proposed transaction, including completion of necessary registrations, payment of any necessary expenses, and amendment of any relevant transaction dates.
4. Any payments in respect to the consideration received from TCHC be deposited to the Land Acquisition Reserve Fund – Parks, Forestry and Recreation (XR1214).
5. The appropriate City officials be authorized and directed to take all necessary actions to give effect thereto.

### Financial Impact

In consideration of the City releasing TCHC from its obligation to re-convey the Recreation Facility to the City, and conveying to TCHC all of its right, title and interest in the Recreation Facility, TCHC agrees to pay to the City the sum of \$1,200,000.00, less any amounts owed by

the City to TCHC in respect of the Recreation Facility as of the date of closing. As of September 30, 2007 the City owed TCHC approximately \$425,141.62 and TCHC and the co-owners group owed the City approximately \$65,211.69, leaving an estimated balance of \$840,070.10 (Schedule “A”). On closing, TCHC will pay 40% of the balance, with the remainder to be paid in three equal instalments on January 1, 2012, January 1, 2013 and January 1, 2014, subject to increase, and amendment of the timing of instalment payments, on the basis of a subsequent sale or lease of the Recreation Facility by TCHC.

The agreed amount is a result of an internal valuation of the City’s interest in the Recreation Facility, based on the income stream from a proposed lease to 11186454 Ontario Inc. (“APAC”). In addition to the consideration to be paid by TCHC to the City on closing, the arrangement with APAC for the use of Recreation Facility will provide additional benefits for the various community groups in the area.

If the lease with APAC is terminated for any reason, payment of any outstanding balance will be deferred and rescheduled according to the terms and conditions outlined in the body of 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 Council Authority to release the Toronto Community Housing Corporation (“TCHC”) from its obligation to re-convey the roller rink facility at 261 Jarvis Street, together with its ancillary parking facilities and appurtenant easements (collectively, the “Recreation Facility”) to the City in exchange for TCHC agreeing to pay the City the sum of \$1,200,000 on the terms and conditions outlined in this report.

## Background Information

Report - Release of City Interest in 261 Jarvis Street to the Toronto Community Housing Corporation

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10530.pdf>

GM12.14	ACTION			Ward: 37
---------	--------	--	--	----------

## Lease Expansion and Renewal – 2380-2386 Eglinton Avenue East - Toronto Public Library

(January 31, 2008) Report from City Librarian

## Recommendations

The City Librarian recommends that:

1. Council authorize the proposed lease for the premises at 2380, 2382, 2384 and 2386 Eglinton Avenue East with Milord Realty Inc. having an area of approximately 6,713

square feet commencing on April 15, 2008 and ending on April 14, 2018 and based substantially on the terms and conditions set out in the attached Appendix “A” and in a form acceptable to the Toronto Public Library Board, at an annual base rental rate of:

- |      |                   |                              |
|------|-------------------|------------------------------|
| i.   | Years 1 and 2:    | \$17.66 per square foot;     |
| ii.  | Years 3, 4 and 5: | \$18.70 per square foot;     |
| iii. | Year 6:           | \$19.07 per square foot;     |
| iv.  | Year 7:           | \$19.45 per square foot;     |
| v.   | Year 8:           | \$19.84 per square foot;     |
| vi.  | Year 9:           | \$20.24 per square foot; and |
| vii. | Year 10:          | \$20.64 per square foot.     |

### **Financial Impact**

The total base rent for the ten-year term of the lease, commencing April 15, 2008, is estimated to be \$1,280,000 plus Goods and Services Tax (GST). Additional rent (utilities, and operating costs, etc.) is estimated at \$75,000 per annum based on 2008 rates, which will amount to \$750,000 plus GST over the term of the lease. The 2008 lease cost has been included in the Toronto Public Library Board’s (TPL) revised 2008 operating budget request which meets the recommended budget target.

The landlord has agreed to support the TPL’s investment in the site by contributing \$0.060 million as a leasehold allowance.

The related Council-approved Kennedy/Eglinton capital project is for \$0.950 million, \$0.850 million from the Partnership Opportunities Legacy Fund and \$0.100 million from Development Charge Reserves.

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

### **Summary**

The purpose of this report is to obtain Council’s authority to expand and renew a lease for the premises at 2380 to 2386 Eglinton Avenue East, the location of the Kennedy/Eglinton library, having an area of approximately 6,713 square feet, for a term of ten years commencing April 15, 2008 and ending on April 14, 2018. The proposed lease expansion and renewal would be substantially on the terms and conditions outlined in Appendix “A” to this Report.

The proposed lease facilitates the implementation of a component of the City’s mandate to invest \$13 million in Toronto’s Thirteen Priority Neighbourhoods - more specifically, the redevelopment and expansion of the Kennedy/Eglinton library as approved by Council on at its meeting on December 11, 12 & 13, 2007.

Council approval is required because the total base rent over the lease term is greater than \$1 million.

## Background Information

Report - Lease Expansion and Renewal - 2380-2386 Eglinton Avenue East - Toronto Public Library

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10531.pdf>)

Appendix A - GM12-14

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10532.pdf>)

Appendix B - GM12-14

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10533.pdf>)

GM12.15	ACTION			Ward: All
---------	--------	--	--	-----------

## Consolidated Oracle Contract Negotiations

### Confidential Attachment 1 - The security of the property of the municipality or local board

(February 4, 2008) Report from Chief Information Officer, Information and Technology and Director, Purchasing and Materials Management

### Recommendations

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

1. Staff in the Information and Technology Division continue negotiations as directed in the May 29, 2007 report approved by Council in its meeting of June 19, 20 and 22, 2007.
2. The December 31, 1999 agreement between the City and Oracle be amended to extend the support provided for in that agreement for a maximum of one (1) year from January 1, 2008 to December 31, 2008 at a cost not to exceed \$1,630,565.88 (Net of GST) to provide support on existing Oracle licenses and in a form satisfactory to the Chief Information Officer and the City Solicitor.
3. Should staff be unable to conclude an agreement as directed by Council, staff be authorized to investigate the use of alternative database products.
4. Council authorize staff to extend the Client Level Agreement under the Province of Ontario's Master Standing Agreement and Blanket Contract 47011278 with Oracle Corporation Canada, Inc. until March 30, 2009 to acquire licences in an amount not to exceed \$2,025,000.00, net of GST, until a new contract is executed.
5. The information disclosed in the confidential Attachment 1 not be made public as it contains advice or communications that are subject to solicitor-client privilege.



**Financial Impact**

The extension of the support agreement between the City and Oracle will impact the 2008 Operating Budget. Funding in an amount not to exceed \$1,630,565.88 net of GST is available in the 2008 recommended Operating Budget for Information and Technology and Social Services.

The extension of the Client Level Agreement under the Province of Ontario's Master Standing Agreement and Blanket Contract 47011278 with Oracle Corporation Canada Inc., from April 1, 2008 to March 30, 2009 to acquire licenses during this 12 months period, will impact on the 2008 and 2009 Operating and Capital Budgets in an amount not to exceed \$2,025,000.00, net of GST, until a new contract is executed. Funding of \$1,518,750.00 for the 9 months period from April 1, 2008 to December 31, 2008 is available in the 2008 recommended Operating and Capital Budget in each respective division.

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

**Summary**

The report is to notify Council of the status of negotiations with Oracle for a consolidated, contract as approved by Council on June 19, 20 and 22, 2007, and to seek further instructions in light of these negotiations.

**Background Information**

Report - Consolidated Oracle Contract Negotiations

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-10535.pdf>

Confidential Attachment 1 - GM12-15