
Government Management Committee

Meeting No.	16	Contact	Yvonne Davies, Committee Administrator
Meeting Date	Wednesday, July 9, 2008	Phone	416-392-7443
Start Time	9:30 AM	E-mail	ydavies@toronto.ca
Location	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

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

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

Schedule of Timed Items - 1:30 p.m.- Item GM16.1

Confirmation of Minutes – June 13, 2008

Communications/Reports

GM16.1	ACTION	1:30 p.m.		Ward: All
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Opinion Regarding Council Member “Read Only” Access to the Integrated Business Management System (IBMS)**(Deferred from April 17, 2008 - 2008.GM13.27)****Speaker**

(April 8, 2008) Report from City Solicitor

Recommendation

The City Solicitor recommends that:

1. The legal opinion of George H. Rust-D’Eye of Weir Foulds LLP, contained within Attachment 1 – Outside Legal Opinion Regarding Council Member “Read Only” Access to the Integrated Business Management System (IBMS), be received and forwarded to City Council for its information and consideration.

Financial Impact

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

If Council chooses to implement the recommendation to expedite the technological solution, there will be financial and staffing implications. A further report outlining an implementation plan and its impact on the 2009 Budget would be required.

Summary

The purpose of this report is to transmit the outside legal opinion obtained by the City Solicitor as directed by City Council with respect to maximizing access to information by members of the public and members of Council while maintaining compliance with the Municipal Freedom of Information and Protection of Privacy Act.

Background Information

Report - Opinion Regarding Council Member "Read Only" Access to the Integrated Business Management System (IBMS)

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14330.pdf>)

Attachment 1 - GM13-27

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14331.pdf>)

1a Routine Disclosure Plans

(April 3, 2008) Report from City Clerk

Financial Impact

This report will have no financial impact.

Summary

The purpose of this report is to advise City Council of the work that has been done and plans for further work required by City Divisions to increase the routine disclosure of information to the public.

By making the public and staff more aware of the types of information that can be routinely disclosed without a formal access request under MFIPPA and ensuring divisional accountability for routine disclosure, it is expected the public will have greater access to City information.

Background Information

Report - Routine Disclosure Plans

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14405.pdf>

Communications

(April 17, 2008) memo from Councillor Moscoe (GM.Main.GM16.1b)

<http://www.toronto.ca/legdocs/mmis/2008/gm/comm/communicationfile-7781.pdf>

(May 16, 2008) letter from Government Management Committee (GM.Main.GM16.1.1)

(April 21, 2008) letter from Government Management Committee (GM.Main.GM16.1.2)

GM16.2	ACTION			Ward: All
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Request for Proposal for Snack and Hot Drink Vending

(June 19, 2008) Report from Brenda Librecz, General Manager, Parks, Forestry and Recreation

Recommendations

The General Manager of Parks, Forestry and Recreation recommends that:

1. The staff report dated April 1, 2008 from the General Manager of Parks, Forestry and Recreation to the Government Management Committee be received.
2. A Request for Proposal for four license agreements, one for each of Etobicoke York District, North York District, Scarborough District and Toronto East York District; for Snack and Hot Drink Vending be released for a two-year term commencing November 1, 2008 to October 31, 2010 with no renewal option.

3. There be a requirement for 20% healthy snack vending to be included in the evaluation process for awarding the RFP for Snack and Hot Drink Vending.
 - a. successful Vendors provide for 100% healthy snack vending at 5 locations in each district as a pilot project;
 - b. Parks, Forestry and Recreation report on the success of this pilot project after two years to determine whether future RFP's will include 100% healthy snack vending or as determined by Council.
4. Vendors may bid on more than one district but can only be awarded one district. The highest ranking proponent in each district will be awarded the agreement in that district;
 - a. in the event that a Vendor is ranked highest in more than one district, that Vendor shall have first choice of which district the Vendor wishes to be awarded and the remaining contracts will be awarded to the next highest ranked bidder for each district;
 - b. in the event that the successful bidder in one district is the only bidder in another district, the City may, in its discretion, award a second district to that bidder.
5. A performance bond of 50% of the estimated annual rent will be required from successful proponents.
6. The RFP include provisions for Vendors to provide culturally diverse products.
7. The RFP include a requirement that products with peanut listed in the ingredients will not be sold in Parks, Forestry and Recreation snack vending machines.
8. The City Solicitor be authorized to commence legal proceedings against Mr. Vending, to appeal any orders, and settle the claim, if in the City Solicitor's view, it is in the City's interest to do so.

Financial Impact

The 2008 revenue target from the Mr. Vending Inc. license agreement was \$185,000. To date, no revenue has been received this year from this agreement. Once new license agreements are in place, it will be possible to forecast revenue from Snack and Hot Drink Vending for the balance of 2008 and the 2009 year.

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

Summary

On April 28 and 29, 2008 City Council referred back to the Government Management Committee Item GM 13.8, titled "Termination of Mr. Vending Inc. Agreement" as well as additional motions placed by City Council, for further consideration.

This supplementary report highlights City Council's motions of April 28 and 29, 2008 and provides options for healthy vending relating to the terms of the Request for Proposal (RFP) for Snack and Hot Drink Vending.

Background Information

Report - Request for Proposal for Snack and Hot Drink Vending
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14469.pdf>

2a Government Management Committee Item GM13.8 - Termination of Mr. Vending Inc. License Agreement (Ward: All)

(May 2, 2008) Letter from City Clerk

Recommendations

City Council on April 28 and 29, 2008, referred Government Management Committee Item GM13.8 - Termination of Mr. Vending Inc. License Agreement (Ward: All) back to the Government Management Committee for further consideration, such item containing a report (April 21, 2008) from Brenda Librecz, General Manager, Parks, Forestry and Recreation, recommending that:

1. A Request for Proposal for Snack and Hot Drink Vending for a five-year term commencing October 1, 2008 to September 30, 2013 with a three year renewal option, exercisable at the discretion of the City, for the period October 1, 2013 to September 30, 2016 be issued.
2. "100% Healthy Snack Choices" be included in the evaluation process for awarding this RFP.
3. The highest ranking proponent be awarded first choice of all Districts, or a combination of Scarborough and Toronto East York Districts or North York and Etobicoke York Districts. If necessary, the second place proponent will be awarded the remaining Districts.
4. The City Solicitor be authorized to commence legal proceedings against Mr. Vending, to appeal any orders, and settle the claim, if in the City Solicitor's view, it is in the City's interest to do so.

City Council also referred the following motions to the Government Management Committee for further consideration:

Moved by Councillor Ainslie:

That Recommendation 2 of the Government Management Committee be amended by deleting the percentage "100%" and substituting the percentage "20%", so that Recommendation 2 now reads as follows:

- “2. ‘20% Healthy Snack Choices’ be included in the evaluation process for awarding this RFP.”

Moved by Councillor Del Grande:

That the General Manager, Parks, Forestry and Recreation, be requested to include provisions in this RFP which would protect the City’s interests, such as a requirement for a Letter of Credit or a Performance Bond or a personal guarantee.

Moved by Councillor Fletcher:

1. That Part 2 of the motion by Councillor Shiner be amended by adding the words, “subject to a maximum of two districts”, so that the motion now reads:

“That Recommendation 3 of the Government Management Committee be amended to read as follows:

3. The highest ranking proponent, in each of the following 4 areas, be awarded in that area, subject to a maximum of two districts:

- Etobicoke York District
- North York District
- Scarborough District
- Toronto and East York District.”

2. That vendors be required to include culturally-diverse products in their RFP.

3. That the motion by Councillor Ainslie be amended by deleting the percentage “20%” and substituting the percentage “50%” so that Recommendation 2 of the Government Management Committee now reads as follows:

“2. ‘50% Healthy Snack Choices’ be included in the evaluation process for awarding this RFP.”

Moved by Councillor Lindsay Luby:

1. That Recommendation 1 of the Government Management Committee be amended to read as follows:

“1. Requests for Proposals for Snack and Hot Drink Vending for a five-year term commencing October 1, 2008, to September 30, 2013, with a three-year renewal option, exercisable at the discretion of the City, for the period October 1, 2013, to September 30, 2016, be issued for the following districts:

- Scarborough and Toronto and East York; and

- North York and Etobicoke York.”

2. That Recommendation 2 of the Government Management Committee be deleted and replaced with the following:
 - “2. That there be a requirement that each provide for 100% healthy choices in 5 locations as a pilot project, and that the General Manager, Parks, Forestry and Recreation be requested to report on the success of this pilot project within one year to determine whether this should be extended.”
3. That Recommendation 3 of the Government Management Committee be deleted and replaced with the following:
 - “3. That, in the event the City does not receive viable proposals, that the City not pursue the vending machine business.”

Moved by Councillor Shiner:

1. That the new Request for Proposal (RFP) to be issued for the operation of Snack and Hot Drink Vending within Parks, Forestry and Recreation facility locations for the period commencing October 1, 2008, to September 30, 2013, with a three-year renewal option for the period October 1, 2013, to September 30, 2016, indicate that products which include peanuts in their ingredient list not be sold in vending machines within Parks, Forestry and Recreation Division facilities.
2. That Recommendation 3 of the Government Management Committee be amended to read as follows:
 - “3. The highest ranking proponent, in each of the following 4 areas, be awarded in that area:
 - Etobicoke York District
 - North York District
 - Scarborough District
 - Toronto and East York District.”

Moved by Councillor Vaughan:

That the motion by Councillor Del Grande be amended by deleting the words “be requested to”, and replacing them with the word “must”, so that it now reads as follows:

“That the General Manager, Parks, Forestry and Recreation must include provisions in this RFP which would protect the City’s interests, such as a requirement for a letter of credit or a performance bond or a personal guarantee.”

Financial Impact

The License Agreement with Mr. Vending required guaranteed payments of \$185,000 per year. In addition to this annual payment, an exclusive rights fee in the amount of \$20,000 was to be paid within sixty days of the execution of the agreement. The exclusive rights payment of \$20,000 was made on October 13, 2006 and the first payment towards the 2006 year was made on February 5, 2007 in the amount of \$90,000. Further payment in the amount of \$11,250 was made on September 27, 2007. This was the final payment received from Mr. Vending.

As of the termination date of March 10, 2008, Mr. Vending owed approximately \$293,000 as per the terms of the agreement; \$42,000 from 2006, \$185,000 from 2007 and \$66,000 from 2008. Due to the termination of this agreement, no revenue will be realized in 2008 until a new agreement is in place. For the balance of 2008, \$119,000 would have been anticipated under the terminated contract, but until a new contract is in place, future revenue cannot be estimated.

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 advise the Government Management Committee with respect to the termination of the License Agreement with Mr. Vending Inc. as of March 10, 2008. This License Agreement is for Request for Proposal (RFP) No. 0613-05-0166 for the operation of Snack and Hot Drink Vending within Parks, Forestry and Recreation facility locations in all Districts. This agreement commenced on November 1, 2005 for a term of five years plus a three year option.

It is recommended that a new RFP be issued for the operation of Snack and Hot Drink Vending within Parks, Forestry and Recreation facility locations for the period commencing October 1, 2008 to September 30, 2013 with a three year renewal option for the period October 1, 2013 to September 30, 2016.

This report highlights proposed changes from the previous RFP relating to healthy snacks.

Background Information

Letter - Government Management Committee Item GM13.8 - Termination of Mr. Vending Inc. License Agreement (Ward: All)
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14470.pdf>

GM16.3	ACTION			Ward: All
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Boards of Trustees - Metropolitan Toronto Pension Plan and Metropolitan Toronto Police Benefit Fund

(June 17, 2008) Report from Treasurer

Recommendations

The Treasurer recommends that:

1. Each of the Metropolitan Toronto Pension Plan (MTPP) and the Metropolitan Toronto Police Benefit Fund (MTPBF) pension plan be modified so that:
 - i. at any time that the active members of the plan are required to elect a Trustee to represent them on the Board:
 - a) if there are fewer than three such members, no seconder be required for a nomination;
 - b) if there is only a single such member, the member may nominate himself or herself;
 - c) if no timely nomination is submitted, such Board position be filled by election among the pensioners of the plan;
 - d) nomination material be circulated to pensioners on a conditional basis in anticipation of the possibility that the active members may fail to make a timely nomination;
 - ii. once there ceases to be any active members in the plan, all vacancies in the position of Trustee formerly elected by such members be filled by election among the pensioners of the plan;
 - iii. the quorum for the Board of Trustees be specified as an actual number —four of its members for the MTPP and five for the MTPBF — rather than as a “majority”, subject to reduction (to no less than three in each case) if any conflicting interest is disclosed;
 - iv. a member of the Board of Trustees in attendance at any meeting thereof having an interest with respect to any matter to be considered thereat conflicting with his or her duties and powers as a Trustee be required to make advance disclosure thereof, refrain from participating in the deliberation/voting with respect to that matter, refrain from attempting to influence such voting and withdraw from the meeting venue during consideration of the matter;
 - v. an absent Trustee with a conflicting interest be required to make disclosure and comply with the other requirements described in foregoing item (iv) at the first subsequent meeting;
 - vi. at any duly constituted meeting at which a Trustee makes disclosure of a conflicting interest the remaining Trustees having no conflict of interest will, if at least two in number, be deemed to constitute a quorum;
 - vii. a Trustee who abstains from voting will be treated as having cast a negative vote.
2. The composition of the MTPBF be modified so as to eliminate, as of December 1, 2010, the two positions occupied by:
 - i. the chair of the Toronto Police Services Board, or a member of that Board as their designate;
 - ii. a pensioner member of the plan.
3. The MTPBF pension plan be modified so as to eliminate the Benefit Fund Committee and transfer its responsibilities to the MTPBF Board of Trustees.

4. By-law Numbers 15-92 and 181-81 of the former Municipality of Metropolitan Toronto governing respectively the MTPP and the MTPBF, as amended to date, be further amended accordingly and authority be granted to introduce the necessary bills in Council.
5. The appropriate City officials be authorized to take the necessary action to give effect to the foregoing recommendations.

Financial Impact

There are no financial implications arising from this report. However, adoption of the recommendations in this report will improve the efficiency of elections to and meetings of the Boards of Trustees of the MTPP and the MTPBF and reduce the associated demands on staff time and City resources.

Summary

The City is the sponsor of five pension plans that pre-date OMERS, each of which is administered by a Board of Trustees. The membership of all these plans has been closed since 1968 and consists mostly of retirees in receipt of pensions.

This report recommends changes related to the composition of the Board of Trustees of the Metropolitan Toronto Pension Plan and the Board of Trustees of the Metropolitan Toronto Police Benefit Fund, and to quorum, conflicts of interest, abstentions from voting and other administrative issues.

Background Information

Report - Boards of Trustees - Metropolitan Toronto Pension Plan and Metropolitan Toronto Police Benefit Fund
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrrd/backgroundfile-14471.pdf>

GM16.4	ACTION			Ward: All
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Pension Committee - City of York Employee Pension Plan

(June 23, 2008) Report from Treasurer

Recommendations

The Treasurer recommends that:

1. The following modifications be made to the Corporation of the City of York Employee Pension Plan effective January 1, 1998:
 - a) restructuring of the Plan’s Pension and Benefit Committee so as to consist of:

- i. the City Treasurer or designate;
 - ii. two City Councillors appointed by City Council;
 - iii. two representatives elected by the active/retired members of the Plan from among their number;
- b) adjustment of the three member quorum requirement for the Pension and Benefit Committee so that the only condition is the presence of the City Treasurer (or designate);
 - c) specification of four months as the targeted frequency of meetings of the Pension and Benefit Committee;
 - d) elimination of The Investment Committee and the specific investment restrictions imposed on it, and as discussed in Section 15 of By-law 3001999, be eliminated effective January 1, 1998, as the activities outlined in this section are being performed by the expansion of the responsibilities of the Pension and Benefit Committee members to include investment of the Plan's assets in accordance with applicable pension-plan legislation;
 - e) amendment of the power granted to the Pension and Benefit Committee to “make amendments to the Plan” by rewording the description of the power to read “make recommendations for amendments to the Plan”.
2. By-law No. 3349-96 of the former City of York governing respectively the City of York Employee Pension Plan as amended to date be further amended accordingly and authority be granted to introduce the necessary bills in Council.
 3. The appropriate City officials be authorized to take the necessary action to give effect to the foregoing recommendations.

Financial Impact

There are no financial implications arising from this report. However, adoption of the recommendations in this report will improve the efficiency of elections to and meetings of the Pension and Benefit Committee of The Corporation of the City of York Employee Pension Plan and reduce the associated demands on staff time and City resources.

Summary

The City is the sponsor of five pension plans that pre-date OMERS, each of which is administered by a Pension Committee or Board of Trustees. The membership of all these plans has been closed since 1968 and consists mostly of retirees in receipt of pensions.

This report recommends changes related to the composition of the Board of Trustees of the City of York Employee Pension Plan (York Plan), and to quorum, conflicts of interest, abstentions from voting and other administrative issues.

Background Information

Report - Pension Committee - City of York Employee Pension Plan
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14472.pdf>

GM16.5	ACTION			Ward: All
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Pension Committees - Toronto Fire Department Superannuation and Benefit Fund and the Toronto Civic Employees' Pension and Benefit Fund

(June 17, 2008) Report from Treasurer

Recommendations

The Treasurer recommends that:

1. Each of the Toronto Civic Employees' Pension and Benefit Fund pension plan and the Toronto Fire Department Superannuation and Benefit Fund pension plan be modified so that:
 - (i) effective as of January 1, 2000, at any time that the plan requires its active members or any class thereof to elect a representative and/or alternate representative to fill a Pension Committee position,
 - (a) if there are fewer than three such members in the plan or in the class, as applicable, no seconder be required for a nomination;
 - (b) if there is only a single such member, the member may nominate himself or herself;
 - (c) if the required election process cannot be held because there are no longer any active members in the plan or the class, as applicable, then for all purposes, such position shall be filled by the plan's pensioner organization from among its membership;
 - (ii) all references to the "Deputy City Treasurer" be read as references to such senior subordinate of the City Treasurer as the Treasurer may from time to time appoint for the purpose.
2. The composition of the Toronto Civic Employees' Pension and Benefit Fund pension plan be modified so as to eliminate, as of January 1, 2008, the two positions occupied:
 - i. by the "Commissioner of Corporate Services" or *pro tempore* by the "Director of Human Resources"; and
 - ii. by a member of the Toronto Civic Pensioners' Protective Association, or alternate, appointed by Council.
3. The Toronto Fire Department Superannuation and Benefit Fund pension plan be modified to provide that:

- i. effective as of January 1, 1998,
 - a) the positions on the Pension Committee previously filled by Council from among the membership of the Toronto Fire Department Pensioners' Association be so filled instead by that Association itself; and
 - b) it be made clear that those designated as alternates have the right to attend a Pension Committee meeting even when not participating;
 - ii. effective as of January 1, 2009, the positions on the Pension Committee occupied,
 - a) ex officio by the "Chief of the Fire Department" or pro tempore by the "Deputy Chief of the Fire Department"; and
 - b) by one of the members of the Toronto Fire Department Pensioners' Association, or alternate, appointed by Council,
be eliminated;
 - iii. the number of Pension Committee meetings required to be held per year be reduced from monthly to quarterly.
4. By-laws Nos. 380-74 and 10649 of the former City of Toronto governing respectively the Toronto Civic Employees' Pension and Benefit Fund and the Toronto Fire Department Superannuation and Benefit Fund as amended to date be further amended accordingly and authority be granted to introduce the necessary bills in Council.
 5. The appropriate City officials be authorized to take the necessary action to give effect to the foregoing recommendations.

Financial Impact

There are no financial implications arising from this report. However, adoption of the recommendations in this report will improve the efficiency of elections to and meetings of the Pension Committees of the Toronto Civic Employees' Pension and Benefit Fund and the Toronto Fire Department Superannuation and Benefit Fund and reduce the associated demands on staff time and City resources.

Summary

The City is the sponsor of five pension plans that pre-date OMERS, each of which is administered by a Pension Committee. The membership of all these plans has been closed since mid-1968 and consists mostly of retirees in receipt of pensions.

This report recommends changes related to the composition of the Pension Committees of the Toronto Civic Employees' Pension and Benefit Fund and the Toronto Fire Department Superannuation and Benefit Fund and, updating of inapplicable terminology in the governing by-laws and harmonization of the Fire plan's provisions regarding frequency of the meetings of its Pension Committee with actual frequency in recent years.

Background Information

Report - Pension Committees - Toronto Fire Department Superannuation and Benefit Fund and the Toronto Civic Employees - Pension and Benefit Fund

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14473.pdf>)

GM16.6	ACTION			Ward: All
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The Corporation of the City of York Employee Pension Plan – Actuarial Report as at December 31, 2007

(June 23, 2008) Report from Treasurer

Recommendations

The Treasurer recommends that:

1. The “Report on the Actuarial Valuation for Funding Purposes as at December 31, 2007” for the Corporation of the City of York Employee Pension Plan, be received.
2. For 2008, the City make special payments totalling \$3,121,264, in appropriate monthly instalments.
3. The appropriate City officials be authorized to take the necessary action to give effect to the foregoing recommendations.

Financial Impact

As required under the Ontario *Pension Benefits Act*, the City is currently making special payments of \$3.973 million per year with respect to existing solvency and going-concern deficiencies in the York Employee Pension Plan in accordance with the 2006 Valuation Report. The 2007 Valuation Report will permit the City to reduce the annual payments for 2008 to \$3,121,244.

The required payments for 2008 is provided in the 2008 Non-Program Budget. Therefore, there will be no further budget impact in 2008. Funding for future years’ payments will be included in the respective years’ Non-Program Budget submission.

The chart below illustrates the revised funding required for the York Pension Plan as a result of the 2007 Valuation.

York Pension Plan Funding Requirements – January 1, 2008 – December 31, 2012

	2008	2009	2010	2011	2012
Going-concern Funding					
2003 Valuation	\$1,129,460***	\$964,500			
2004 Valuation	\$349,308	\$349,308			
2005 Valuation	\$349,320	\$349,320			

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2005 Valuation*	\$64,524	\$53,770*			
2006 Valuation	0	0	0	0	0
2007 Valuation	0	0	0	0	0
Sub Total	\$1,892,612	\$1,716,898	0	0	0
Solvency Funding					
2005 Valuation	\$710,124	\$710,124			
2005 Valuation*	\$2,508	\$2,508			
2006 Valuation	0	0	0	0	0
2007 Valuation	\$516,000	\$516,000	\$516,000	\$516,000	\$516,000
Sub Total	\$1,228,632	\$1,228,632	\$516,000	\$516,000	\$516,000
Total Required	\$3,121,244	\$2,945,530	\$516,000	\$516,000	\$516,000

* The valuation date was changed from January 1 to December 31

** Last payment due on October 1, 2009

*** Monthly payment amount will decrease on November 1, 2008

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

Summary

This report presents the Report on the Actuarial Valuation for Funding Purposes as at December 31, 2007 for the Corporation of the City of York Employee Pension Plan along with a recommendation regarding the continuation of special payments to the Plan's fund with respect to solvency and going-concern deficiencies.

The 2007 valuation results of the York Pension Plan highlight the financial position and results of operations of the Plan for the year ended December 31, 2007 and the Valuation Report appropriately does not recommend any cost-of-living increase for pensioners for 2007.

Background Information

Report - The Corporation of the City of York Employee Pension Plan - Actuarial Report as at December 31, 2007

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14474.pdf>)

Attachment - GM16-6

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14475.pdf>)

GM16.7	ACTION			Ward: 21
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76 Wychwood Avenue - Designation of the Premises used for Wychwood Green Arts Barn Project as a Municipal Capital Facility

(June 24, 2008) Report from Treasurer

Recommendations

The Treasurer recommends that:

1. Council pass a by-law pursuant to section 252 of the City of Toronto Act, 2006,

providing authority to:

- a. enter into a municipal capital facility agreement with Artscape, with whom the City has an agreement to develop the Green Arts Barn Project on portions of the leased premises (14,518 square feet) at 76 Wychwood Avenue, to be used for the Covered Street Barn and Community Gallery (8,566 sq. ft.) and the area used as public washrooms, entryways and utility rooms (5,952 sq. ft.); and
 - b. exempt the above mentioned portions of the leased lands from property taxation for municipal and school purposes, which tax exemption is to be effective from the latest of the following dates: the commencement date of the lease between Artscape and the City, the date the municipal capital facility agreement is signed; or the date the tax exemption by-law is enacted.
2. The City Clerk be directed to give written notice of the by-law to the Minister of Education, the Municipal Property Assessment Corporation, the Toronto District School Board, the Toronto Catholic District School Board, the Conseil Scolaire de District du Centre-Sud-Ouest, and the Conseil Scolaire de District du Catholique Centre-Sud.
 3. Council pass a resolution that the above municipal capital facility is for the purposes of the municipality and is for public use.
 4. Authority be granted for the introduction of the necessary bills to give effect thereto.
 5. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The property located at 76 Wychwood Avenue which was used as TTC repair barns is currently exempt from paying property taxes as it is owned by the City. However, the land is being leased to Artscape to be redeveloped as the Wychwood Green Arts Barn project. Of the leased premises, a total of 14,518 square feet is eligible to be designated as a municipal capital facility and to receive an exemption from property taxes for both the city and education portions of tax. Since the premises will be leased by Artscape, which is a taxable tenant, the premises would be subject to taxation if the property tax exemption is not granted. The potential annual taxes on the above mentioned premises have been estimated at approximately \$22,194, of which \$11,579 is the City portion, and \$10,615 is the education component. The estimate is based on 2008 commercial tax rates and the estimated current value assessment on an area of 14,518 square feet of the property for 2008, which is \$539,277.

Given that the property is not currently taxable, there are no immediate savings or costs from providing a property tax exemption. If the exemption is not put in place, and the property becomes taxable in the future, the property taxes (including the education taxes) would be payable by the lessee/operator, with no direct cost implications to the City, but which would result in taxation revenue (municipal portion) of approximately \$11,600 annually.

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

Summary

This report seeks Council authority to adopt the necessary by-laws to designate certain portions (14,518 square feet) of the leased premises at 76 Wychwood Avenue that are being re-developed as Green Arts Barn by Toronto Artscape Foundation and Toronto Artscape Inc. (“Artscape”) as a municipal capital facility and to provide a property tax exemption for municipal and education purposes.

Background Information

Report - 76 Wychwood Avenue - Designation of the Premises used for Wychwood Green Arts Barn Project as a Municipal Capital Facility
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14476.pdf>

GM16.8	ACTION			Ward: 20
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Lease – City Owned Lands Situated at the rear of 208 Bloor Street West

(June 18, 2008) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. Council authorize the proposed lease for the City owned lands situated at the rear of 208 Bloor Street West consisting of approximately 610 square meters (6,564 square feet) to 208 Bloor Street West Inc. (the “Tenant”), for a four (4) year period, commencing on January 1, 2007 and expiring on December 31, 2010 for parking purposes. The basic rent will be \$39,000 per annum, plus realty taxes, 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 renewal 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 annual basic rent to the City will be \$39,000, plus GST and realty taxes. The total revenue for the four (4) year term of the lease, commencing retroactively on January 1, 2007 and ending on December 31, 2010 is \$156,000, plus GST and realty taxes and operating cost related to the leased area. The current and applicable rent and realty taxes have been paid up-to-date.

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 enter into a four (4) year lease renewal agreement with 208 Bloor Street West Inc. (the "Tenant") for the City-owned lands situated at the rear of 208 Bloor Street West commencing on January 1, 2007 and expiring on December 31, 2010 for parking purposes. The proposed lease would be substantially on the terms and conditions outlined in Appendix "A" to this Report.

Background Information

Report - Lease - City Owned Lands Situated at the rear of 208 Bloor Street West

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14477.pdf>)

Appendix A - GM16-8

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14478.pdf>)

Appendix B - GM16-8

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14479.pdf>)

GM16.9	ACTION			Ward: 27
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Proposed Land Exchange and Granting of an Easement - 444 Yonge Street

(June 25, 2008) Report from Chief Corporate Officer

Summary

The purpose of this report is to advise that a staff action report, "Proposed Land Exchange and Granting of an Easement - 444 Yonge Street" will be on the Supplementary Agenda for the Government Management Committee meeting scheduled for July 9, 2008.

Background Information

Item - Proposed Land Exchange and Granting of an Easement - 444 Yonge Street

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14480.pdf>)

GM16.10	ACTION			Ward: 26
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Renewal of Lease – Road Allowance at the South-East Corner of Eglinton Avenue East and Don Mills Road, East Portion

(June 18, 2008) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. Council authorize the proposed four (4) year renewal of a lease agreement with The Independent Order of Foresters (the “Tenant”) for the road allowance at the south-east corner of Eglinton Avenue East and Don Mills Road, east portion for approximately 3,907 square meters (42,056) square feet of leased area commencing on April 1, 2008 and expiring on March 31, 2012. The proposed lease would be substantially on the terms and conditions outlined in Appendix “A” to this Report.
2. The Chief Corporate Officer be authorized to administer and manage the renewal 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 annual basic rent to the City will be \$90,000.00 (\$7,500.00 per month) plus GST and realty taxes and operating costs related to the leased area. The total revenue for the four (4) year term of the renewed lease, commencing retroactively on April 1, 2008 and ending on March 31, 2012, is \$360,000.00 plus GST and realty taxes and operating costs related to the leased area. Out of which, \$67,500.00 will be received in 2008. The rent and realty taxes have been paid up-to-date.

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 enter into a four (4) year renewal of a lease agreement with The Independent Order of Foresters (the “Tenant”) for the road allowance at the south-east corner of Eglinton Avenue East and Don Mills Road, east portion for approximately 3,907 square meters (42,056 square feet) of leased area commencing on April 1, 2008 and expiring on March 31, 2012. The proposed renewal of lease would be substantially on the terms and conditions outlined in Appendix “A” to this Report.

Background Information

Report - Renewal of Lease - Road Allowance at the South-East Corner of Eglinton Avenue East and Don Mills Road, East Portion

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14481.pdf>)

Appendix A - GM16-10

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14482.pdf>)

Appendix B - GM16-10

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14483.pdf>)

GM16.11	ACTION			Ward: 26
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Renewal of Lease – Road Allowance at the South-East Corner of Eglinton Avenue East and Don Mills Road, West portion

(June 18, 2008) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. Council authorize the proposed four (4) year renewal of a lease agreement with The Independent Order of Foresters (the “Tenant”) for the road allowance at the south-east corner of Eglinton Avenue East and Don Mills Road, west portion for approximately 5,913 square meters (63,649.08 square feet) of leased area, commencing on April 1, 2008 and expiring on March 31, 2012. The proposed lease would be substantially on the terms and conditions outlined in Appendix “A” to this Report.
2. The Chief Corporate Officer be authorized to administer and manage the renewal 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 annual basic rent to the City will be \$136,000.00 plus GST and realty taxes and operating costs related to the leased area. The total revenue for the four (4) year term of the renewed lease, commencing retroactively on April 1, 2008 and ending on March 31, 2012, is \$544,000.00 plus GST and realty taxes and operating costs related to the leased area. Out of which, \$101,970.00 will be received in 2008. The rent and realty taxes have been paid up-to-date.

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 enter into a four (4) year renewal of a lease agreement with The Independent Order of Foresters (the “Tenant”) for the road allowance at the south-east corner of Eglinton Avenue East and Don Mills Road, west portion for approximately 5,913 square meters (63,649.08 square feet) of leased area commencing on April 1, 2008 and expiring on March 31, 2012. The proposed lease would be substantially on the terms and conditions outlined in Appendix “A” to this Report.

Background Information

Report - Renewal of Lease - Road Allowance at the South-East Corner of Eglinton Avenue East and Don Mills Road, West portion

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14484.pdf>)

Appendix A - GM16-11

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14485.pdf>)

Appendix B - GM16-11

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14486.pdf>)

GM16.12	ACTION			Ward: 27
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Renewal of Licence for Outdoor Patio at 100 Queen Street West

(June 18, 2008) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. Council authorize the proposed one (1) year renewal of a licence agreement with University of Toronto (the “Licensee”) for the outdoor patio and garden areas at the north-west corner of Nathan Phillips Square, for approximately 986.40 square feet of total licensed area, comprising of a patio of 674.40 square feet and a garden area of 312 square feet. The renewal term commencing on April 1, 2008 will be expiring on March 31, 2009. The licence fee will be \$4,930.00 net per annum, plus GST and all of the costs and expenses of maintaining and operating the property and all taxes, if any. The proposed renewal would be substantially on the terms and conditions outlined in Appendix “A” to this Report.
2. The Chief Corporate Officer be authorized to administer and manage the renewal 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.
3. The City Solicitor be authorized to complete the renewal agreement, deliver any notices (including termination), pay any expenses and amend the commencement and other dates to such earlier or later date(s), on such terms and conditions, as she may, from time to time, determine.
4. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The annual licence fee to the City will be \$4,930.00, plus GST. The total revenue for the one (1) year term of the licence, commencing retroactively on April 1, 2008 and ending on March 31, 2009 is \$4,930.00 plus GST. The licence fee and GST have been paid up- to-date.

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 for renewal of a licence agreement for one (1) year with University of Toronto (the 'Licensee') commencing on April 1, 2008 and expiring on March 31, 2009 for an outdoor patio and garden area. The proposed renewal would be substantially on the terms and conditions outlined in Appendix "A" to this Report.

Background Information

Report - Renewal of Licence for Outdoor Patio at 100 Queen Street West

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14487.pdf>)

Appendix A - GM16-12

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14488.pdf>)

Appendix B - GM16-12

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14489.pdf>)

GM16.13	ACTION			Ward: 20
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Sale of Closed Lane at the Rear of 585 Queen Street West

(June 24, 2008) Report from Chief Corporate Officer

Summary

The purpose of this report is to advise that a staff action report, "Sale of Closed Lane at the Rear of 585 Queen Street West" will be on the Supplementary Agenda for the Government Management Committee meeting scheduled for July 9, 2008.

Background Information

Item - Sale of Closed Lane at the Rear of 585 Queen Street West

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14490.pdf>)

GM16.14	ACTION			Ward: 9
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Toronto York Spadina Subway Extension - Acquisition of Land from Parc Downsview Park

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

(June 18, 2008) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. Authority be granted for the City to enter into the MOP with the TTC and PDP, substantially on the terms and conditions as set out in Appendix A to Attachment 1 - Confidential Information, together with such revisions as satisfactory to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
2. Each of the Chief Corporate Officer and the Director of Real Estate Services be severally authorized to execute the MOP with the TTC and PDP, on the City's behalf.
3. City Council authorize the public release of the confidential information contained in Attachment 1 upon the later of, completion and final settlement of all agreements or claims with PDP to the satisfaction of the City Solicitor, or commencement of revenue service of the Project.
4. City Council waive the condition contained in the Spadina Subway Extension Update Report, Item 8.5 of the Executive Committee adopted by Council on May 23, 24 and 25, 2007, requiring that no agreement be entered into with PDP until such time as it has agreed to comply with the City's planning process with respect to future development of the site.

Financial Impact

The total Project capital cost has been estimated at \$2.6 billion, including \$100 million allocated for overall property acquisition costs. Actual amounts expended for Project costs will be included in annual reporting to Council.

Council has previously approved funding for the Project as included in the following summary table:

Funding Partner:	\$ millions	% of funding
Federal	\$697	26.5%
Provincial	\$1,059*	40.2%
Municipal:		
City of Toronto	\$526	
York Region	<u>\$352</u>	
	<u>\$878</u>	33.3%
Total	\$2,634	100.0%

*including investment income

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

Summary

The proposed Toronto York Spadina Subway Extension Project (the “Project”) will extend through and include a station at Parc Downsview Park (“PDP”). In order to accommodate continued Project planning and design, the City of Toronto (“City”) and the Toronto Transit Commission (“TTC”) have negotiated, subject to Council approval, a preliminary agreement with PDP setting out the general principles to govern both the acquisition of necessary property interests for the Project and its future construction and operation on this site, described as the Memorandum of Principles (“MOP”). As Project construction and design proceed, a more detailed agreement(s) containing specific terms and conditions will be negotiated amongst the parties in accordance with the general provisions as enumerated in the MOP.

Background Information

Report - Toronto York Spadina Subway Extension - Acquisition of Land from Parc Downsview Park

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14491.pdf>

Confidential Attachment 1 - GM16-14

GM16.15	ACTION			Ward: 8
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York University Busway – Canadian National Railway Crossing Agreements

(June 23, 2008) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. City Council grant authority to enter into a standard crossing construction agreement with CN and the TTC, at a cost of \$2,030,000.00, plus GST, substantially on terms outlined in Appendix “A” and that each the Chief Corporate Officer and the Director of Real Estate be authorized severally to enter into the agreements.
2. City Council grant authority to enter into a standard crossing warning system agreement with CN and TTC, at a cost of \$386,000.00, plus GST, substantially on terms outlined in Appendix “A” and that each the Chief Corporate Officer and the Director of Real Estate be authorized severally to enter into the agreements.
3. The Chief Corporate Officer be authorized to administer and manage the crossing construction and warning system agreements including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.
4. The City Solicitor be authorized to complete the transactions in the agreements on behalf of the City, including paying the necessary expenses and amending the commencement and other dates, and amending and waiving terms and conditions, on

such terms, as she considers reasonable.

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

Financial Impact

Commencing in 2009, the annual cost for the maintenance of the CN rail crossing and warning system will be approximately \$7,200.00. These costs will be addressed within the TTC capital project while under construction and upon the opening of the line for revenue service. The TTC will include this cost in its future year Operating Budgets. Upon the opening of the Toronto York Spadina Subway Extension, decisions will be made upon the future utilization of this roadway and the costs will be addressed in future budgets as appropriate.

The capital cost to the TTC for CN to complete the rail and signal work is \$2,416,000.00. Funding is included in Program 3.3 Yards and Roads under Bus Rapid transit (BRT) – Spadina Subway to York University/Steeles Avenues as identified on pages 665 to 671 – category expansion of the TTC 2008-2012 Capital Program as approved by City Council on December 11, 2007 (Account CTT015).

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

Summary

The joint City/TTC York University Busway Project (the “Project”) consists of constructing a dedicated roadway for bus transit service (the “Busway”) between Downsview Station and York University. The longest continuous section of the Busway is a portion of the Hydro corridor, north of Finch Avenue between Keele and Dufferin Streets. In September 2007 City Council granted authority to enter into a permanent easement and a temporary construction licence with Ontario Realty Corporation (ORC) for the use of a portion of the Finch Hydro corridor for Busway purposes.

A Canadian National Railway (“CN”) rail corridor, known as the Newmarket Subdivision, bisects the Hydro corridor. In order for the Busway to pass over the tracks, CN must retire an existing north rail access into the Esso’s Finch Facility and construct a run-around track and a new south rail access into this facility. CN must also install a crossing warning system at the track and Busway intersection. TTC’s contractor will construct the Busway road surface upon CN lands at the crossing.

Negotiations with CN have resulted in CN agreeing to undertake the required rail and warning system work and the City and TTC agreeing to fund the project costs of the CN construction and annual maintenance during construction with on-going maintenance to be addressed in the Operating Budget, subject to City Council approval to enter into the proposed CN standard crossing construction and warning system agreements.

Background Information

Report - York University Busway - Canadian National Railway Crossing Agreements
<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14493.pdf>

Appendix A - GM16-15

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14494.pdf>

Site Map - GM16-15

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14495.pdf>

GM16.16	ACTION			Ward: 8
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Settlement of Temporary Construction Easements at 4600 Dufferin Street for the York University Busway

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

(June 23, 2008) Report from Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. Each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally on behalf of the City, to enter into a settlement agreement with the owner(s) of the Veritas Property for purposes related to constructing a new driveway thereon at a mutually acceptable location, at a cost limit not to exceed the amount set out in confidential Appendix 1, on such terms and conditions as they or their designates may approve, and in a form and content satisfactory to the City Solicitor.
2. City Council authorize the public release of the confidential information in Attachment 1, upon completion of all terms and conditions of the settlement agreement.
3. The City Solicitor be authorized to complete the transactions in the settlement agreement on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and condition, on such terms as she considers reasonable.
4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

Funding of the proposed settlement is available in Program 3.3 Yards and Roads under Bus Rapid Transit (BRT) – Spadina Subway to York University/Steeles Avenues as identified on pages 665 to 671 – category expansion of the TTC 2008-2012 Capital Program as approved by City Council on December 11, 2007 (Account CTT015).

The cost limit set out in Attachment 1 comprises costs quoted by TTC's general contractor for the Busway project and includes the cost to open and construct a new driveway on Part 2 of the Veritas Property, plus an amount as compensation for the temporary easements to be acquired by expropriation, less an amount attributed to penalty charged by the contractor for removing the driveway construction from the overall construction contract.

The proposed settlement is cost-neutral to the TTC Busway project budget.

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

Summary

This report seeks authority from Council to allow the City to enter into and perform a settlement agreement with a private property owner, Veritas 4590 Dufferin Street Corp. ("Veritas"), as an alternative to further proceeding with an expropriation now underway.

Veritas owns two adjoining properties on the west side of Dufferin Street, north of Finch Avenue known respectively as 4600 and 4590 Dufferin Street (the "Veritas Property"). The Veritas Property adjoins the Hydro One Networks Inc. corridor upon which a major stretch of the joint City/TTC York University Busway (the "Busway") is to be located.

Transportation Services has determined that the existing driveway into the Veritas Property is too close to the intersection on Dufferin Street where transit vehicles will be turning for access to and from the Busway. Consequently, in order to establish the required separation, the City has commenced expropriation proceedings to close the existing Veritas driveway (Part 1 on the attached site map) and build a new driveway farther to the south on the Veritas Property (at Part 2).

Veritas wishes to enter into an agreement that would satisfy all the purposes of the ongoing expropriation except that the new driveway would be constructed at a different but mutually advantageous location.

Background Information

Report - Settlement of Temporary Construction Easements at 4600 Dufferin Street for the York University Busway

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14496.pdf>

Confidential Attachment 1 - GM16-16

Site Map - GM16-16

<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14498.pdf>

GM16.17	ACTION			Ward: 42
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Settlement of Litigation – Bonnydon Limited v. City of Toronto, Court File No. 06-CV-312155PD3

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

(June 25, 2008) Report from City Solicitor

Recommendations

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Attachment 1.
2. City Council authorize the release of the confidential recommendations, excluding Appendix A (Minutes of Settlement) in Attachment 1 once the settlement and appropriate documentation are finalized to the satisfaction of the City Solicitor. Appendix A will remain confidential in its entirety.

Financial Impact

The financial implications resulting from the adoption of this report are set out in Attachment 1.

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

Summary

On May 20, 2006, an action was commenced by Bonnydon Limited (“Bonnydon”) against the City of Toronto. In the action, Bonnydon is seeking a declaration that a particular provision contained in the Core Servicing Agreement between the City and 554056 Ontario Limited, Mattamy (Neilson) Limited, Mattamy (Staines) Limited, Neilson-Finch Residential Developments Inc. and Trans-Gate Inc. (collectively, “MHLG”), dated February 22, 2002 (the “Core Servicing Agreement”) is void and that the provisions of an agreement of purchase and sale between the City and MHLG, dated July 8, 2004 (the “MHLG Purchase Agreement”), is similarly void.

Bonnydon also alleges that the realignment of Neilson Road has resulted in the encroachment of Neilson Road upon Bonnydon’s lands. Bonnydon is, accordingly, seeking damages for trespass.

Counsel for the City have been involved in discussions and negotiations with counsel for Bonnydon and counsel for MHLG and have reached agreement on a recommended resolution to the matters raised in the litigation, as set out in the confidential attachment.

Background Information

Report - Settlement of Litigation - Bonnydon Limited v. City of Toronto, Court File No. 06-CV-312155PD3

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14499.pdf>)

Confidential Attachment 1 - GM16-17

Confidential Minutes of Settlement - GM16-17

Sketch - GM16-17

(<http://www.toronto.ca/legdocs/mmis/2008/gm/bgrd/backgroundfile-14502.pdf>)