



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

Assignment of Disposal Agreement, Occupancy License and Transition Agreement, Trade-Mark License Agreement and Radio Tower License Agreement

Date:	March 26, 2008
To:	Public Works and Infrastructure Committee
From:	Geoff Rathbone, General Manager, Solid Waste Management Services
Wards:	All
Reason for Confidential Information:	This report involves the security of property belonging to the City and is subject to mandatory confidentiality obligations under the Municipal Freedom of Information and Protection of Privacy Act.
Reference Number:	p:2008/swms/Apr/006PW-7350

SUMMARY

This report requests authority to enter into an agreement or agreements for the assignment and assumption of the current Disposal Agreement, Occupancy License and Transition Agreement, Trade-Mark License Agreement and Radio Tower License Agreement between the City of Toronto and St. Thomas Sanitary Collection Service Limited Partnership and/or Green Lane Environmental Group Limited Partnership.

RECOMMENDATIONS

The General Manager, Solid Waste Management Services recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1.
2. Provided that Recommendation 1 has been adopted, Council authorize the public release of the confidential information and recommendations in Attachment 1, after the transaction closing date.
3. City Council forward this staff report to the Budget Committee for information.

Financial Impact

The impact of the proposed agreements is discussed in Attachment 1 – Confidential Information.

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

DECISION HISTORY

At its September 19, 2006 meeting, City Council issued instructions to staff, and in doing so, adopted, as amended, the confidential report (September 18, 2006) from the General Manager, Solid Waste Management Services, and the Deputy City Manager and Chief Financial Officer, entitled “Long Term Waste Disposal Capacity.” These instructions authorized the General Manager of Solid Waste Management Services to, in addition to other recommendations, negotiate and execute an agreement of purchase and sale based on the terms and conditions set out in the Term Sheet attached to the staff report. The following is the link to the September 19, 2006 decision document:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060919sp/cofa.pdf>

At its March 3, 4 and 5, 2008 meeting, City Council approved the report (January 24, 2008) from the General Manager, Solid Waste Management Services authorizing the extension of the Occupancy Licence and Transition Agreement dated April 2, 2007 between the City of Toronto and Green Lane Environmental Group Limited Partnership and the Trade-Mark Licence Agreement dated April 2, 2007 between the City of Toronto and St. Thomas Sanitary Collection Service Limited Partnership for up to 12 additional months. The following is the link to the March 3, 4 and 5, 2008 decision document:

<http://www.toronto.ca/legdocs/mmis/2008/pw/reports/2008-02-08-pw13-cr.pdf>

ISSUE BACKGROUND

As part of the City’s purchase of the Green Lane Landfill, the City entered into the Disposal Agreement dated April 2, 2007 with Green Lane Environmental Group Limited Partnership and St. Thomas Sanitary Collection Service Limited Partnership to accept waste from municipal contracts and Green Lane Environmental Group Limited Partnership’s ICI waste customers. The term of the agreement extends until the expiry of the municipal contracts, and for one year with automatic extensions for the ICI waste.

Green Lane was permitted, through a separate Occupancy License and Transition Agreement, dated April 2, 2007, to continue to use their shops and offices at the landfill for its waste collection business for a period of up to 12 months or until the business was sold, provided that such usage did not interfere with the operation of the landfill. A one year extension was approved by Council in January of 2008.

Also as part of this transition related to the Green Lane landfill purchase, the City entered into a Trade-Mark License Agreement dated April 2, 2007 with St. Thomas Sanitary Collection Service Limited Partnership that allowed the Vendor to use, for a period of one year from Toronto's purchase date, the licensed marks, "Green Lane", "Green Lane Environmental", and "Green Lane Environmental & Design". A one year extension to this agreement was also approved by Council in January of 2008.

A Radio Tower License Agreement dated April 2, 2007 was also entered into between the City and Green Lane which allowed Green Lane to use the radio tower at the Disposal Site.

COMMENTS

Green Lane Environmental Group Limited Partnership is currently working towards the sale of its solid waste and recycling collection and disposal business. As part of that transaction, it has requested the City's consent to the assignment of these agreements for limited periods to the new purchaser, and has suggested and agreed to certain amendments. The terms associated with the assignment and assumption of, and amendments to, these agreements are summarized in the Confidential Attachment.

The proposal terms of the assignment provide benefits to the City of Toronto by assuring a baseline provision of ICI waste between now and 2010. At the time of acquisition, the Disposal Agreement with Green Lane only provided assurance of waste delivery until December 31, 2007.

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SIGNATURE

Geoff Rathbone
General Manager, Solid Waste Management Services

ATTACHMENTS

Confidential Attachment 1 - Assignment of Disposal Agreement, Occupancy License and Transition Agreement, Trade-Mark License Agreement and Radio Tower License Agreement