
Government Management Committee

Meeting No.	23	Contact	Betty Henderson
Meeting Date	Tuesday, May 12, 2009	Phone	416-392-8088
Start Time	9:30 AM	E-mail	gmc@toronto.ca
Location	Committee Room 1, City Hall	Chair	Deputy Speaker Gloria Lindsay Luby

Government Management Committee		
Councillor Gloria Lindsay Luby, Chair Councillor Bill Saundercook, Vice-Chair	Councillor Michael Del Grande Councillor Adrian Heaps	Councillor Doug Holyday Councillor Pam McConnell

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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.****Confirmation of Minutes – April 15, 2009****Communications/Reports****(Deferred from April 15, 2009 - 2009.GM22.7)**

GM23.1	ACTION			Ward: All
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Largest Property Tax Debtors with Tax Arrears Greater than \$500,000 as at December 31, 2008**Confidential Attachment 2 - Personal matters about an identifiable individual, including municipal or local board employees****Origin**

(March 27, 2009) Report from the Acting Treasurer

Summary

To provide information on property tax accounts with outstanding receivables of \$500,000 or more as at December 31, 2008.

This report contains three attachments:

- a. Attachment 1 is public information, and lists properties owned by a corporation with tax arrears of \$500,000 or more.
- b. Attachment 2 is confidential, and lists properties owned by individuals with tax arrears of \$500,000 or more. The Municipal Freedom of Information and Protection of Privacy Act prevents the public disclosure of the information contained in Attachment 2.
- c. Attachment 3 identifies the tax receivable as at December 31, 2008.

The confidential information contained in Attachment 2 should remain confidential, as it relates to personal information about identifiable individual(s), and as such may not be disclosed under the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

Financial Impact

There are no financial implications arising from this report.

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

Background Information

Report - Largest Property Tax Debtors with Tax Arrears Greater than \$500,000 as at December 31, 2008

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-20539.pdf>)

Attachment 1 - GM23-1

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-20540.pdf>)

Confidential Attachment 2 - GM23-1

Attachment 3 - GM23-1

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-20542.pdf>)

(Deferred from April 15, 2009 - 2009.GM22.20)

GM23.2	ACTION			Ward: All
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Report on Over-Expenditure to Contract 47013025 and 47013026, Request for Quotation (RFQ) 3701-07-0244 for the Supply of all Labour, Equipment and Material Necessary to Perform Tree Pruning and Removal TYPE 1 – 50' Aerial Bucket – Climbing Crew.

Origin

(March 30, 2009) Report from the General Manager, Parks, Forestry and Recreation and the Acting Director, Purchasing and Materials Management

Summary

The purpose of this report is to advise on the over expenditures against Contracts 47013025 and 47013026, Request for Quotation (RFQ) 3701-07-0244 for the supply of all labour, equipment and material necessary to perform Tree Pruning and Removal TYPE 1, 50' Aerial Bucket – Climbing Crew at various areas in the City of Toronto for the period ending February 26, 2009.

A new RFQ for Tree Pruning and Removal (Type I and Type II) was issued in November 2008. Contracts with multiple vendors resulting from this RFQ are now in place, with an effective starting date of February 27, 2009.

Financial Impact

The increased amount in the purchase order amendment for the supply of all labour, equipment and material necessary to perform Tree Pruning and Removal TYPE 1, 50' Aerial Bucket – Climbing Crew is covered under Contract 47013025 to the end of the contract term on February 26, 2009 is \$605,933.32 net of GST.

CONTRACT 47013025	
a. Original Contract Amount	\$1,711,360.00
b. Increase in funds (Amendment #1) dated August 28, 2008	\$420,000.00
c. Total Value of Contract as of August 28, 2008	\$2,131,360.00

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d. Over expenditure of Funds as of February 26, 2009	\$185,933.32
e. Total increased amount over original contract amount (amendment and over expenditure)	\$605,933.32
f. Revised Value of Contract as of February 26, 2009	\$2,317,293.32

The increased amount in the purchase order amendment for the supply of all labour, equipment and material necessary to perform Tree Pruning and Removal TYPE 1, 50' Aerial Bucket – Climbing Crew is covered under Contract 47013026 to the end of the contract term on February 26, 2009 is \$523,279.20 net of GST.

CONTRACT 47013026	
a. Original Contract Amount	\$1,052,792.00
b. Increase in funds (Amendment #1) dated August 28, 2008	\$380,000.00
c. Total Value of Contract as of August 28, 2008	\$1,432,792.00
d. Over expenditure of Funds as of February 26, 2009	\$143,279.20
e. Total increased amount over original contract amount (amendment and over expenditure)	\$523,279.20
f. Revised Value of Contract as of February 26, 2009	\$1,576,071.20

The total contract value increase to Contracts 47013025 and 47013026 is \$1,129,212.52 net of GST (\$1,185,673.15 including all applicable taxes).

Over expenditures were covered within operating funds available in Cost centres P00030, P00031, P00038, P00039, P00046, P00068, P00069, P00090, P00091, P12135, and P12136 in the 2008 Parks, Forestry and Recreation Operating Budget.

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

Background Information

Report - Over Expenditure - Contract 47013025 & 47013026, RFQ 3701-07-0244 - Supply of all labour, equipment and material necessary to perform Tree Pruning and Removal TYPE 1 - 50' Aerial Bucket -Climbing Crew.

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-20715.pdf>)

GM23.3	ACTION			Ward: 34
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20 Lesmill Road – Designation as a Municipal Capital Facility

Origin

(April 23, 2009) Report from the Acting Treasurer

Recommendations

The Acting 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 the owner, Morguard Realty Holding Inc., c/o Morguard Investments Limited of the property located at 20 Lesmill Road in respect of approximately 27,577 square feet of rentable area leased by the City of Toronto; and
 - b. exempt the leased space from taxation for municipal and school purposes, which tax exemption is to be effective from the latest of the following dates: 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. Authority be granted for the introduction of the necessary bills to give effect thereto.
4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Summary

This report seeks Council authority to adopt the necessary by-laws to designate the property at 20 Lesmill Road (27,577 square feet of leased space), occupied by Toronto Employment and Social Services, as a municipal capital facility and to provide a property tax exemption for municipal and education purposes. Toronto Employment and Social Services occupies the entire property. Providing a tax exemption for the leased space will result in a net financial savings to the City of approximately \$56,018 per year, representing the provincial education share of taxes that will no longer be payable.

Financial Impact

The annual property taxes on the space leased by Toronto Employment and Social Services at 20 Lesmill Road are estimated at approximately \$117,395, comprised of a municipal portion of \$61,377 and a provincial education portion of \$56,018, based on 2008 Current Value

Assessment (CVA) and 2008 tax rates, including all capping adjustments. Final 2009 property taxes have not yet been established.

The annual operating budget for Toronto Employment and Social Services includes amounts for rent (including any property taxes payable) on leased space, and as such there would be no net impact on the municipal portion of taxes from the exemption, as the decrease in municipal tax revenue would be offset by a corresponding reduction in the annual budgetary requirement for Toronto Employment and Social Services. However, making the leased space exempt would result in net savings to the City of approximately \$56,018, representing the provincial education share of taxes that would no longer be payable once the exemption takes effect (See Table 1).

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

Table 1
Financial Savings due to Property Tax Exemption – 20 Lesmill Road

	Municipal Taxes	+ Education Taxes	= Total Budget Requirement for Property Taxes
Amounts Payable if Taxable	\$61,377	\$56,018	\$117,395
Amounts Payable if Exempt	\$0	\$0	\$0
Gross Savings due to exemption:			\$117,395
Less Reduction in Municipal Tax Revenues:			-\$61,377
Total Net Savings (annual):			\$56,018

Background Information

Report - 20 Lesmill Road - Designation as a Municipal Capital Facility
(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21030.pdf>)

GM23.4	ACTION			Ward: 8
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1118 Finch Avenue West – Designation of a Portion of Premises as a Municipal Capital Facility

Origin

(April 23, 2009) Report from the Acting Treasurer

Recommendations

The Acting 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 the owner, Century Standard Development Corp., of the property located at 1118 Finch Avenue West in respect of approximately 11,483 square feet of rentable area leased by the City of Toronto; and
 - b. exempt the leased space from taxation for municipal and school purposes, which tax exemption is to be effective from the latest of the following dates: 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. Authority be granted for the introduction of the necessary bills to give effect thereto.
 4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Summary

This report seeks Council authority to adopt the necessary by-laws to designate 11,483 square feet of leased space occupied by Children's Services at 1118 Finch Avenue West, as a municipal capital facility and to provide a property tax exemption for municipal and education purposes. Providing a tax exemption for the leased space will result in a net financial savings to the City of approximately \$12,488 per year, representing the provincial education share of taxes that will no longer be payable.

Financial Impact

The annual property taxes on the space leased by Children's Services at 1118 Finch Avenue West are estimated at approximately \$38,171, comprised of a municipal portion of \$25,683 and a provincial education portion of \$12,488, based on 2008 Current Value Assessment (CVA) and 2008 tax rates, including all capping adjustments. Final 2009 property taxes have not yet been established.

The annual operating budget for Children's Services includes amounts for rent (including any property taxes payable) on leased space, and as such there would be no net impact on the municipal portion of taxes from the exemption, as the decrease in municipal tax revenue would be offset by a corresponding reduction in the annual budgetary requirement for Children's Services. However, making the leased space exempt would result in net savings to the City of approximately \$12,488, representing the provincial education share of taxes that would no longer be payable once the exemption takes effect (See Table 1).

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

Table 1
Financial Savings due to Property Tax Exemption – 1118 Finch Avenue West

	Municipal Taxes	+ Education Taxes	= Total Budget Requirement for Property Taxes
Amounts Payable if Taxable	\$25,683	\$12,488	\$38,171
Amounts Payable if Exempt	\$0	\$0	\$0
Gross Savings due to exemption:			\$38,171
Less Reduction in Municipal Tax Revenues:			-\$25,683
Total Net Savings (annual):			\$12,488

Background Information

Report - 1118 Finch Avenue West - Designation of a Portion of Premises as a Municipal Capital Facility

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21031.pdf>)

GM23.5	ACTION			Ward: 16
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Property Tax Exemption for Master's College and Seminary – 3080 Yonge Street

Origin

(April 28, 2009) Report from the Acting Treasurer

Recommendations

The Acting Treasurer recommends that:

1. Council exempt from taxation for municipal purposes the portion of the land and building leased and occupied by Master's College and Seminary at 3080 Yonge Street, beginning January 1, 2008 and continuing to July 31, 2013 provided the following conditions continue to be met:
 - a. the specified property is occupied and used solely for the purposes of Master's College and Seminary; and
 - b. Master's College and Seminary is a registered charity within the meaning of the Income Tax Act (Canada).
2. Council cancel taxes for municipal purposes, including interest and penalties for the period from August 1, 2003 to December 31, 2007, for the portion of the land and building occupied by Master's College and Seminary, located at 3080 Yonge Street, provided that Master's College and Seminary undertakes in writing to repay to the City

charity tax rebates in the amount of \$171,159 that it has received for the subject premises for the period from August 1, 2003 to December 31, 2007.

3. The City Clerk notify the Minister of Finance of Council's actions with respect to the recommended exemption and cancellation of taxes for Master's College and Seminary, for the purposes of ensuring that the exemptions and cancellations in respect of school taxes required by the Master's College and Seminary Act, 2008 are implemented.
4. Authority be granted for the introduction of the necessary bill to give effect thereto.
5. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Summary

This report seeks Council authority to adopt the necessary by-laws to exempt the portion of the land and building occupied by Master's College and Seminary, a tenant at 3080 Yonge Street, from taxation for municipal purposes, beginning January 1, 2008 and continuing to July 31, 2013 and to cancel taxes for municipal purposes, including interest and penalties for the period from August 1, 2003 to December 31, 2007.

The authority for the property tax exemption/cancellation for the premises occupied by Master's College and Seminary at 3080 Yonge Street is provided under the Master's College and Seminary Act, 2008, a private statute which allows the City to pass by-law(s) providing for the property tax exemption/cancellation. Once by-law(s) are passed, the statute provides that the provincial education portion of taxes will also be made exempt or cancelled.

Financial Impact

The net effect of providing a property tax exemption on the portion of the property leased and occupied by Master's College and Seminary at 3080 Yonge Street will be a reduction in annual property tax revenue of approximately \$60,043 per year beginning in 2008, representing the municipal portion of taxes that are levied against the premises. The estimate is based on 2008 assessment and tax rates including all capping adjustments.

Final 2009 property taxes have not yet been established. For 2008, as property taxes have already been levied, the exemption for the municipal portion of property taxes of \$60,043 will be funded from the City's Non-Program Tax Deficiency account, as will a similar amount for the 2009 municipal portion of taxes. The education portion of taxes of approximately \$50,723 will be recovered from school board remittances for both 2008 and 2009. Charity tax rebate amounts for the 2008 and 2009 taxation years have not been issued to date, and therefore are not required to be repaid.

Additionally, the property tax cancellation from August 1, 2003 to December 31, 2007 will result in a cancellation of \$469,525 in total taxes, consisting of a municipal portion of \$264,648, which will be funded from the City's Non-Program Tax Deficiency account. The education portion of \$194,853 will be fully recoverable from the school boards/Province, less the total education portion of charity tax rebates that have already been paid during this period. The remaining \$10,024 represents Business Improvement Area (BIA) charges. The cancellation of the BIA charges will not impact the City's revenues, as BIA amounts are

collected on behalf of the various Business Improvement Areas to fund their operations. The amounts to be cancelled are summarized in Table 1 below.

Table 1: Amounts of Taxes and BIA Charges to be cancelled for the period August 1, 2003 to December 31, 2007 and made exempt for 2008 and 2009

Year	Total taxes paid (incl. BIA charges)	Share of taxes including BIA Charges to be cancelled or made exempt (premises occupied by Master's College and Seminary)	Amounts to be cancelled or made exempt			Charity Rebate amounts to be recovered iii.
			Municipal	Education	BIA	
2003 i.	\$1,196,771	\$42,245	\$27,849	\$13,698	\$698	\$20,408
2004 ii.	\$1,195,720	\$100,969	\$59,220	\$39,660	\$2,089	-
2005	\$1,181,977	\$99,809	\$57,996	\$39,660	\$2,153	\$47,368
2006	\$1,279,984	\$113,292	\$59,833	\$50,917	\$2,542	\$51,853
2007	\$1,279,049	\$113,210	\$59,751	\$50,917	\$2,541	\$51,530
Total	\$6,133,501	Total Cancellation: \$469,525	\$264,648	\$194,853	\$10,024	\$171,159
2008	\$1,283,208	Exemption: \$113,630	\$60,043	\$50,723	2,863	n/a
2009	not yet determined					n/a

i. Tax cancellation is from August 1, 2003 to December 31, 2007

ii. Master's College and Seminary missed the application deadline for 2004

iii. Charity Rebates paid for the 2003-2007 period will be recovered from Master's College & Seminary

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

Background Information

Report - Property Tax Exemption for Master's College and Seminary - 3080 Yonge Street
<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21032.pdf>

GM23.6	ACTION			Ward: 18
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Lease Extension and Amending Agreement for Use of City Lands Adjacent to 25 Cariboo Avenue

Origin

(April 21, 2009) Report from the Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that Council:

1. Authorize entering into a Lease Extension and Amending Agreement with 1615067 Ontario Ltd. (o/a C.P. Auto Body and Mechanic) (the "Tenant"), to use and occupy approximately 24,763 square feet of vacant land adjacent to 25 Cariboo Avenue, (the "Rentable Area"), substantially on the terms and conditions as set out in Appendix "A" and on such other terms and conditions as approved by the Chief Corporate Officer, or his or her designate, and in a form and content acceptable to the City Solicitor.

2. Authorize the Chief Corporate Officer to administer and manage the Lease Extension and Amending 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.

Summary

The purpose of this report is to obtain authority to enter into a Lease Extension and Amending Agreement with 1615067 Ontario Ltd. (o/a C.P. Auto Body and Mechanic) for use of City lands adjacent to 25 Cariboo Avenue. The proposed agreement is for a five (5) year term, commencing on June 1st, 2009 and ending on May 31st, 2014.

Financial Impact

The proposed agreement is for a base rent of \$1.41 per square foot of Rentable Area (approximately 24,763 square feet), for a total of \$34,915 per year for the five (5) year term, commencing on June 1, 2009. The base rent will be adjusted upwards annually by 2.5% per annum, to be applied on the anniversary of the Commencement Date each year. Throughout the Term, the Tenant will also be responsible for taxes, maintenance and insurance costs, so that the Lease Extension and Amending Agreement is fully net and carefree to the City.

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

Background Information

Report - Lease Extension and Amending Agreement for Use of City Lands Adjacent to 25 Cariboo Avenue

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21033.pdf>

Appendix A - 25 Cariboo Avenue - Major Terms and Conditions

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21034.pdf>

Appendix B - 25 Cariboo Avenue - Location Map

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21035.pdf>

GM23.7	ACTION			Ward: 18
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Lease Extension and Amending Agreement for Use of City Lands Adjacent to 36 Cariboo Avenue

Origin

(April 20, 2009) Report from the Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that Council:

1. Authorize entering into a Lease Extension and Amending Agreement with Cypoc Holdings Inc. (the “Tenant”), to use and occupy approximately 6,418 square feet of vacant land adjacent to 36 Cariboo Avenue, (the “Rentable Area”), substantially on the terms and conditions as set out in Appendix “A” and on such other terms and conditions as approved by the Chief Corporate Officer, or his or her designate, and in a form and content acceptable to the City Solicitor.
2. Authorize the Chief Corporate Officer to administer and manage the Lease Extension and Amending 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.

Summary

The purpose of this report is to obtain authority to enter into a Lease Extension and Amending Agreement with Cypoc Holdings Inc. for use of City lands adjacent to 36 Cariboo Avenue. The proposed Lease agreement is for a five (5) year term, commencing on June 1st, 2009 and ending on May 31st, 2014.

Financial Impact

The proposed agreement is for a base rent of \$1.41 per square foot of Rentable Area (approximately 6,418 square feet), for a total of \$9,049 per year for the five (5) year term, commencing on June 1, 2009. The base rent will be adjusted upwards annually by 2.5% per annum, to be applied on the anniversary of the Commencement Date each year. Throughout the Term, the Tenant will also be responsible for taxes, maintenance and insurance costs, so that the Lease Extension and Amending Agreement is fully net and carefree to the City.

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

Background Information

Report - Lease Extension and Amending Agreement for Use of City Lands Adjacent to 36 Cariboo Avenue

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21037.pdf>

Appendix A - 36 Cariboo Avenue - Major Terms and Conditions
<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21038.pdf>

Appendix B - 36 Cariboo Avenue - Location Map
<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21039.pdf>

GM23.8	ACTION			Ward: 19
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Extension of Closing Date for Section 30 Agreement between the City and 863880 Ontario Limited Concerning Lands on the West Side of Strachan Avenue

Origin

(April 24, 2009) Report from the Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. Pursuant to the existing agreement under section 30 of the Expropriations Act (the “Section 30 Agreement”) between the City and 863880 Ontario Limited (“863880”) for certain lands (the “Lands”) on the west side of Strachan Avenue, the City exercise its option to extend the closing date from October 31, 2009 to February 28, 2012, in a form satisfactory to the City Solicitor.
2. The Director of Real Estate be authorized to undertake discussions with 863880 to unwind the existing Section 30 Agreement and report back to Council when the necessary lands from 863880 for local road purposes are secured at no cost to the City.

Summary

In 2001, the City entered into a Section 30 Agreement with 863880 Ontario Limited, the owner of lands on the west side of Strachan Avenue, as required for the proposed Front Street Extension. At its meeting held on June 19, 20 and 22, 2007, City Council authorized the City to exercise the City’s option to extend the closing date for a further two-year period until October 31, 2009. The City has the option to extend the closing date one or more times up to February 28, 2012. This staff report is requesting authority to exercise the City’s option to extend the closing date until February 28, 2012. If the City does not extend the closing date as recommended, the City is contractually required to close the transaction on October 31, 2009, at which time the City will be required to pay \$1 million compensation for the lands, followed by the balance of the compensation that is payable once the amount has been determined by the Ontario Municipal Board (“OMB”) pursuant to the Expropriations Act.

Financial Impact

Approval of this report will result in no immediate financial impact. If the City does not extend the closing date as recommended, the City will be required to close the transaction on October 31, 2009, at which time the City will be required to pay \$1.0 million compensation for the Lands, followed by the balance of the compensation that is payable once the amount has been determined by the OMB pursuant to the Expropriations Act.

The original source of funding for the expropriation of the Lands was included in the Waterfront Revitalization Initiative Capital Budget, beginning in 2010 (funded from reserves and the other orders of government). However, as the Front Street extension project is not proceeding, this funding is no longer available. Should the transaction close on October 31, 2009, a new funding source would need to be identified and costs accommodated within the City's 2009 Approved Capital Budget.

The City is still required by the Section 30 Agreement to pay compensation for the Lands in the amount of \$1.0 million, followed by the balance that is payable once the amount has been determined by the OMB pursuant to the Expropriations Act. The source of that funding will need to be determined prior to closing on February 28, 2012. However, once the City has title to the Lands and if the City determines the Lands are no longer required, City Council can declare the Lands to be surplus to municipal requirements. 863880 will have the option to repurchase the Lands from the City at the same price the City paid, plus 6% interest per annum.

863880 has submitted redevelopment plans for its property to City Planning. The submitted plans show the provision of a local road. If the City acquires the lands required for a local road through the development planning process, it will be at no cost to the City.

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

Background Information

Report - Extension of Closing Date for Section 30 Agreement between the City and 863880 Ontario Limited Concerning Lands on the West Side of Strachan Avenue

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21040.pdf>)

Appendix A - Location Map - Lands West Wide of Strachan Avenue

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21059.pdf>)

GM23.9	ACTION			Ward: 36
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Lease of 411 Victoria Park Avenue

Origin

(April 22, 2009) Report from the Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that:

1. Authorize the renewal of the lease with Brian Jacobsen (the “Tenant”), at 411 Victoria Park Avenue (the “Premises”) for a one year term substantially on the terms and conditions outlined in Appendix “A”, together with such other terms and conditions deemed appropriate by the Chief Corporate Officer and in form satisfactory to the City Solicitor.
2. Authorize the Chief Corporate Officer to administer and manage the lease 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.

Summary

The purpose of this Report is to obtain Council’s approval to enter into a lease agreement with Brian Jacobsen to use the subject property as a golf driving range for a term of One (1) year commencing April 1, 2009.

Financial Impact

Revenue for the one year lease renewal will be approximately \$105,539. The Tenant is responsible for all operating costs and taxes, making the Agreement fully net and carefree to the City.

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

Background Information

Report - Lease of 411 Victoria Park Avenue

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21041.pdf>

Appendix A - 411 Victoria Park Avenue - Major Terms and Conditions

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21042.pdf>

Appendix B - 411 Victoria Park Avenue - Location Map

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21043.pdf>

GM23.10	ACTION			Ward: 32
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Lease to Toronto Hydro Energy Services for Cogeneration Plant – 7 Leslie Street

Origin

(April 28, 2009) Report from the Chief Corporate Officer

Recommendations

The Chief Corporate Officer recommends that City Council:

1. Authorize the Chief Corporate Officer to enter into a Lease Agreement with Toronto Hydro Energy Services (the “Tenant”) subject to the execution of the Energy Services Agreement between Toronto Water and TH Energy, to use and occupy approximately 29,200 square feet of land at 7 Leslie Street, (the “Rentable Area”), substantively on the terms and conditions set out in Appendix “A”, and on such other terms and conditions as approved by the Chief Corporate Officer, or his or her designate, and in a form acceptable to the City Solicitor.
2. Authorize the Chief Corporate Officer to provide consent on behalf of the City as Landlord any submission of applications required to be submitted by TH Energy for land use approvals.
3. Authorize the Chief Corporate Officer to provide consent on behalf of the City to the submission of any applications for required environmental approvals to the Ontario Ministry of Environment.
4. Authorize the Chief Corporate Officer 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.

Summary

The purpose of this report is to obtain City Council authority to enter into a ground lease agreement (“Lease Agreement”) with Toronto Hydro Energy Services (“TH Energy”) for the use of a portion of the Transportation Services yard at 7 Leslie Street for a Cogeneration Facility.

TH Energy proposes to design, construct, own and operate a Cogeneration Facility which utilizes biogas generated at the Ashbridges Bay Treatment Plant (ABTP) to generate electricity and thermal heat at the subject site. This Lease Agreement is for twenty two years, with two ten year renewal options.

Financial Impact

TH Energy will lease approximately 29,200 square feet of vacant land from the City for a total of \$73,000 per annum for the first five years, and then increase by 12.5 % every five years

thereafter. The estimated total net rental revenue for the first 22 years is \$1,991,000. The Tenant is responsible for all capital and operational costs, so that the Lease Agreement is fully net and carefree to the City.

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

Background Information

Report - Lease of Toronto Hydro Energy Services for Cogeneration Plant - 7 Leslie Street

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21044.pdf>)

Appendix A - Terms and Conditions

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21045.pdf>)

Appendix B - Location Map

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21046.pdf>)

GM23.11	ACTION			Ward: All
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Delegation of Authority to the City Manager Regarding the City's Intellectual Property

Origin

(April 8, 2009) Report from the City Manager

Recommendations

The City Manager recommends that:

1. The City Manager be granted standing authority to:
 - a. provide approvals to others to use the City's intellectual property in situations where the intended use is not for commercial purposes or there is insignificant commercial value to the use;
 - b. where required, and when such approval has no significant effect on the value of the City's intellectual property, provide approvals to others to register trademarks similar to official marks already registered on behalf of the City and to provide similar approvals for other forms of the City's intellectual property;
 - c. impose such terms and conditions on the uses as outlined in "a" and "b" as the City Manager considers appropriate;
 - d. delegate the authority to manage specific aspects of intellectual property to City staff as the City Manager deems appropriate; and

- e. take action as the City Manager considers appropriate to protect the City's intellectual property. This would include requesting the City Solicitor to take any necessary legal action and to instruct the Solicitor in the conduct of such action.

Summary

This report seeks to obtain approval to give specified powers to the City Manager to manage the City's intellectual property. The report describes examples of different types of intellectual property as well as examples of the types of decision-making that is required to ensure that the City's intellectual property is protected.

The report further seeks approval to authorize the City Manager to sub-delegate those powers to City staff as the City Manager deems appropriate.

This authority would authorize the City Manager to provide approvals to others to use the City's intellectual property, and to take action to protect the City's intellectual property, when necessary.

Financial Impact

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

Background Information

Report - Delegation of Authority to the City Manager Regarding the City's Intellectual Property (<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21048.pdf>)

GM23.12	ACTION			Ward: All
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Request Authority for 2009 - 2010 Insurance Program Renewal

Origin

(April 28, 2009) Report from the Deputy City Manager and Chief Financial Officer

Recommendations

The Deputy City Manager and Chief Financial Officer recommends that:

1. The City renew the following insurance policies effective June 1, 2009 for a policy period of twelve months, as outlined below in Table 1, plus applicable provincial taxes (and as detailed in Attachment 1).

Table 1 - Renewal Insurance Policies

Insurance Policy	Renewal Premium (\$'s) 12 Months Policy Term June 1, 2009 to June 1, 2010
Primary Liability:	
Comprehensive General Liability	90,000
Public Officials E & O	90,000
Automobile	200,000
Garage Automobile	14,500
Medical Malpractice Liability	180,000
Primary subtotal	574,500
Umbrella & Excess Liability	
Primary Umbrella	850,000
1 st Excess Liability	589,500
2 nd Excess Liability	136,575
3 rd Excess Liability	236,250
4 th Excess Liability	133,875
5 th Excess Liability	122,400
Umbrella & Excess subtotal	2,068,600
Other Policies:	
Property	2,469,914
Boiler & Machinery	206,854
Crime	78,077
Aviation	24,390
Fiduciary Liability	55,575
Home Day Care Liability	50,000
Marine	203,370
Other Policies subtotal	3,088,180
TOTAL:	5,731,280

2. Authority be delegated to the Deputy City Manager and Chief Financial Officer to renew the City's program of property and casualty insurance on an annual basis provided that, in the opinion of the Deputy City Manager and Chief Financial Officer, the terms, conditions, limits, and deductibles are substantially the same as are recommended in this report and the premiums are competitive based on insurance markets.
3. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Summary

The purpose of this report is to obtain Council authority to renew the City's property and casualty insurance policies effective June 1, 2009 for an annual term at a total premium cost of \$5,731,280 before applicable provincial tax with insurers, limits and deductibles as outlined in Attachment 1.

Financial Impact

This report recommends renewal of the City's Primary and Excess Liability (i.e., Comprehensive General Liability, Public Officials Errors and Omissions, Automobile and Garage Automobile), Medical Malpractice Liability, Property, Boiler and Machinery, Crime, Aviation, Fiduciary Liability, Home Day Care Liability and Marine insurance policies at an

annual cost of \$5,731,280 before applicable provincial taxes. This represents an increase of \$302,215 or 5.6% from the total premium of \$5,429,065 paid for the expiring policies.

Funding is provided from the City's Insurance Reserve Fund based on charges included in the 2009 Operating Budgets of City programs and participating agencies, boards and commissions plus contributions from the Non-Program Account.

Background Information

Report - Request Authority for 2009-2010 Insurance Program

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21050.pdf>)

GM23.13	ACTION			Ward: All
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Sole Source SAP License Framework

Origin

(April 22, 2009) Report from the Chief Information Officer, Information and Technology, and the Acting Director, Purchasing and Materials Management Division

Summary

This is to advise that the Sole Source SAP License Framework report will be on the Supplementary Agenda for the Government Management Committee of May 12, 2009.

Background Information

Report - Sole Source SAP License Framework

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21051.pdf>)

GM23.14	ACTION			Ward: All
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Housekeeping Amendments to Toronto Municipal Code Chapter 553 (Lottery Licensing)

Origin

(April 27, 2009) Report from the City Clerk

Recommendations

The City Clerk's Office recommends that City Council:

1. Amend Chapter 553 of the Toronto Municipal Code, Lottery Licensing to reflect:
 - a. the new Order-in-Council 1413/08 which clarifies the respective roles and responsibilities of the AGCO and municipalities in issuing lottery licences;
 - b. the transfer of delegated responsibilities from a Director in the City Clerk's Division to the City Clerk for duties under Chapter 553 of the Toronto Municipal Code;
 - c. the provision to permit the City Clerk to waive administration fees under extenuating circumstances beyond the control of the licensee (e.g. cancellation of events due to weather conditions); and
 - d. the payment of the fees when an application is submitted rather than when the licence or authorization is issued.

2. Authorize and direct the appropriate City Officials to take whatever action is deemed necessary to implement the foregoing, including the introduction in Council of a bill substantially in the form of Appendix B.

Summary

Amendments are required to Chapter 553 of the Toronto Municipal Code, Lottery Licensing, to incorporate new provincial charitable gaming provisions and to make the City Clerk responsible for the duties under Chapter 553.

Financial Impact

There is no financial impact resulting from this report.

Background Information

Report - Housekeeping Amendments to Toronto Municipal Code Chapter 553 (Lottery Licensing)

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21052.pdf>)

Appendix A - Chapter 553

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21053.pdf>)

Appendix B - Draft Bill

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21054.pdf>)

GM23.15	ACTION			Ward: All
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Purchase Order Amendment to Sole Source Contract 47012030 with Loblaw Companies Limited for Food Certificates

Origin

(April 20, 2009) Letter from the Board of Health

Recommendations

The Board of Health recommended to the Government Management Committee that:

1. City Council grant authority to the Medical Officer of Health to extend and increase current sole source contract 47012030 with Loblaw Companies Limited, for the purchase of food certificates, under the same terms and conditions, for the period June 1, 2009 to May 31, 2011 by a total estimated amount of \$850,000.00, revising the current contract value from \$948,000.00 to \$1,798,000.00, taxes not applicable.
2. City Council authorize the Medical Officer of Health to award, amend and execute, on an ongoing basis, the purchase of goods agreement for the purchase of food certificates from Loblaw Companies Limited, Sobeys (Ontario Division) and Metro Ontario Inc. within the approved budget and in accordance with established terms and conditions.

Summary

The Board of Health on April 20, 2009, considered a report (April 15, 2009) from the Medical Officer of Health and the Acting Director, Purchasing and Materials Management, entitled “Purchase Order Amendment to Sole Source Contract 47012030 with Loblaw Companies Limited for Food Certificates”.

Background Information

Letter - Purchase Order Amendment to Sole Source Contract 47012030 with Loblaw Companies Limited for Food Certificates

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21055.pdf>)

15a Technical Amendment to Board of Health Report “Purchase Order Amendment to Sole Source Contract 47012030 with Loblaw Companies Limited for Food Certificates”

Origin

(May 1, 2009) Report from the Acting Treasurer

Recommendations

The Acting Treasurer recommends that:

1. Recommendation 2 of the Board of Health report regarding “Purchase Order Amendment to Sole Source Contract 47012030 with Loblaw Companies Limited for Food Certificates” be amended to read as follows:

“City Council authorize the Medical Officer of Health to award, amend and execute, on an ongoing basis, the purchase of goods agreement for the purchase of food certificates from any major grocery chain that has at least twenty stores in Toronto, within the approved budget and in accordance with established terms and conditions.”

Summary

At its meeting on May 12, 2009, Government Management Committee will be considering a report (dated April 20, 2009) from the Board of Health titled “Purchase Order Amendment to Sole Source Contract 47012030 with Loblaw Companies Limited for Food Certificates”.

Staff are recommending a technical amendment to Recommendation 2 of the Board of Health report in order to clarify that the delegated authority to the Medical Officer of Health to award, execute and amend the purchase of goods agreement for the purchase of food certificates is for any major grocery chain that has at least twenty stores in Toronto.

Financial Impact

There are no financial impacts associated with this report.

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

Background Information

Report - Technical Amendment to Board of Health Report "Purchase Order Amendment to Sole Source Contract 47012030 with Loblaw Companies Limited for Food Certificates"
(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21061.pdf>)

GM23.16	ACTION			Ward: 27
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Sale of Public Lane - Barnaby Place

Origin

(April 27, 2009) Report from the Chief Corporate Officer

Summary

The purpose of this report is to advise that a staff action report, “Sale of Public Lane - Barnaby Place” will be on the Supplementary Agenda for the Government Management Committee meeting scheduled for May 12, 2009.

Background Information

Report - Sale of Public Lane - Barnaby Place

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21057.pdf>