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## City Council

### Motion without Notice

MM51.47	ACTION			Ward:All
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### **GFL Environmental Commercial Vehicle Operator Rate (CVOR) Safety Standard Downgrade - by Councillor Gord Perks, seconded by Councillor Janet Davis**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

#### **Recommendations**

Councillor Gord Perks, seconded by Councillor Janet Davis, recommends that:

1. City Council request the Deputy City Manager to report to the May 14, 2014 meeting of Public Works and Infrastructure Committee on:
  - a. the performance requirements for the Green for Life (GFL) contract with respect to its Commercial Vehicle Operating Rating (CVOR); and
  - b. the steps the City is taking in response to this recent downgrading of GFL's Commercial Vehicle Operating Rating.

#### **Summary**

On April 10, 2014, Green for Life (GFL) received a downgrade of its Commercial Vehicle Operators Rating (CVOR) to "conditional by the Province of Ontario."

([www.canlii.org/en/on/onscdc/doc/2014/2014onsc2728/2014onsc2728.html](http://www.canlii.org/en/on/onscdc/doc/2014/2014onsc2728/2014onsc2728.html))

GFL appealed to the Divisional Court for an interlocutory injunction to have the rating change quashed. The Court rejected the application on May 1, 2014, leaving the "conditional rating" in place.

In its submissions to the Court, GFL stated that if the injunction is not granted, it will "suffer irreparable harm" and "will be in default in its contractual obligations to current municipal clients."

The City's quotation request for the Zone 2 contract contains provisions related to maintaining

a "satisfactory" rating. Zone 2 contains provision 11.28 Commercial Vehicle Operator Rating (CVOR) which states:

11.28 Commercial Vehicle Operator Rating (CVOR)

"For the purpose of this Contract, the CVOR safety performance and rating issued by the Province will be monitored by City staff to evaluate the safety performance of the Contractor. The Contractor shall make all efforts to maintain its rating equivalent to or better than "Satisfactory" at all times during the term of the Contract.

The loss by the Contractor of its certification renders the Contractor unable to perform the work under this Contract and shall constitute default under the Contract. The City of Toronto may terminate the Contract and find a replacement contractor. The City of Toronto may also recover damages from the Contractor's Performance Security."

It is urgent that City Council receive an update on the steps that GFL is taking to bring its safety standard to the level required by the City Contract.

(Submitted to City Council on May 6 and 7, 2014 as MM51.47)

**Background Information (City Council)**

Member Motion MM51.47