

City Council

Motion without Notice

MM31.35	ACTION			Ward:All
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Grant of Exemption from Late Payment Fees - Agreements to Share Space for Toronto Employment and Social Services and Ontario Disability Support Program - by Councillor Michael Thompson, seconded by Councillor Glenn De Baeremaeker

** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.
* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.
* This Motion has been deemed urgent by the Chair.*

Recommendations

Councillor Michael Thompson, seconded by Councillor Glenn De Baeremaeker, recommends that:

1. City Council grant an exemption from Late Payment Fees and NSF Fees for all agreements for Toronto Employment and Social Services to co-locate/share space with the Ontario Disability Support Program, including leases, subleases, subsequent extensions/renewals, provided that the Ontario Disability Support Program is the only user/occupant of the shared space, and on such other or revised terms and conditions acceptable to the Chief Corporate Officer.

Summary

Toronto Employment and Social Services and a provincial program known as Ontario Disability Support Program are negotiating agreements to co-locate/share space at a City-owned location and other locations leased by the City.

Infrastructure Ontario and Lands Corporation negotiates agreements on behalf of Ontario Disability Support Program. Clause 16 of Policy and Finance Committee Report 10, adopted by City Council at its meeting held on December 5, 6 and 7, 2005, provides that as part of City accounts receivable collection, late payment fees of 15 percent per year (1.25 percent per month) are charged on outstanding receivables, and NSF fees (currently \$40.00) charged on returned cheques.

<http://www.toronto.ca/legdocs/2005/agendas/council/cc051205/pof10rpt/cl016.pdf>

For the agreements to co-locate/share space with Toronto Employment and Social Services, Infrastructure Ontario and Lands Corporation staff will not agree to clauses which require Ontario Disability Support Program to pay these fees. Infrastructure Ontario and Lands

Corporation staff take the position that the Financial Administration Act of Ontario <https://www.ontario.ca/laws/statute/90f12> prevents accepting such clauses, and that the only late payment fees that can be agreed to, is payment of interest ordered by a Court pursuant to the Courts of Justice Act of Ontario.

This initiative to co-locate a City service and a Provincial service is based on compatible programming. Toronto Employment and Social Services staff recommends that City Council grant an exemption from late payment fees and NSF fees, to permit Toronto Employment and Social Services and Ontario Disability Support Program to finalize agreements and proceed with the necessary construction to co-locate at the various locations.

Background Information (City Council)

Member Motion MM31.35