



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Summary of Legal Disputes - 2022 Third Quarter Update

Date: September 1, 2022

To: Board of Directors, Toronto Parking Authority

From: President, Toronto Parking Authority

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects Toronto Parking Authority (TPA) and contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

As part of TPA's operation of commercial parking, the management of tenanted properties and Bike Share Toronto, TPA is dealing with a range of legal matters related to supplier disputes, personal injuries, commercial tenancy disputes and the protection of TPA's registered trademarks. TPA has suitable insurance in relation to such concerns, such as general liability insurance for all of its facilities; and has assigned/retained legal counsel and insurance adjusters to manage any claims.

Details about the specific legal disputes are included in Confidential Attachment 1.

This report is a reoccurring update provided to the Board about the status of ongoing legal disputes. The Board will be provided updates on a regular basis as changes occur to the status of the specific legal disputes.

RECOMMENDATIONS

The President, Toronto Parking Authority recommends that:

1. Toronto Parking Authority Board of Directors receive this report for informative purposes only.
2. Toronto Parking Authority Board of Directors direct that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety, as it contains advice about litigation or potential litigation that affects Toronto Parking Authority and contains advice or communications that are subject to solicitor-client privilege.

FINANCIAL IMPACT

Further details about the financial impacts of the legal disputes can be found in Confidential Attachment 1.

DECISION HISTORY

At its meeting of April 20, 2022, TPA Board of Directors received an update of a recurring report summarizing legal disputes involving TPA.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PA29.6>

At its meeting of May 11 and 12, 2022, City Council adopted Item GL30.7, which presented proposed settlements between both TPA and Tokyo Kitchen (Ltd.) and TPA and Elite Cleaners substantially in accordance with the terms and conditions set out in Confidential Attachments 1 and 2 to the report (April 14, 2022) from the Executive Director, Corporate Real Estate Management, and including such other terms as deemed appropriate by the Executive Director, Corporate Real Estate Management and in a form satisfactory to the City Solicitor. In adopting the report, City Council also forwarded a copy of Item GL30.7 to the Auditor General for consideration.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.GL30.7>

At its meeting of February 18, 2022, TPA Board of Directors approved the proposed settlement between TPA and Tokyo Kitchen Ltd., (the Tenant), on the terms set out in Confidential Attachment 1 to the report (February 4, 2022) from the President, TPA.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PA28.12>

At its meeting of February 18, 2022, TPA Board of Directors approved the proposed settlement between TPA and Elite Cleaners (the Tenant), on the terms set out in Confidential Attachment 1 to the report (February 4, 2022) from the President, TPA.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PA28.13>

At its meeting of July 19, 2021, TPA Board of Directors adopted the confidential instructions to staff in Confidential Attachment 1 to the report (July 5, 2021) from the President, TPA, pertaining to third-party legal services needed to support TPA's opposition of trademarks proposed to be registered in Canada by Parkmobile International Holding B.V.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PA25.10>

At its meeting of April 6, 2021, TPA Board of Directors received an update about the status of litigation regarding TPA's option to purchase a retail component of a development at 935 Eglinton Avenue West (Car Park 655) and adopted confidential instructions to staff in the confidential attachment, as amended by the Board in closed session.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PA22.11>

COMMENTS

Confidential Attachment 1 includes a summary of the specific legal disputes that TPA is currently managing.

CONTACT

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SIGNATURE

W. Scott Collier, President
Toronto Parking Authority

ATTACHMENTS

Confidential Attachment 1 – Summary of TPA Legal Disputes