

Clause embodied in Report No. 1 of the Administration Committee, as adopted by the Council of the City of Toronto at its Special Meeting held on February 24, 25, 26, 27 and 28, 2003.

**13a**

**70 Birmingham Street - Purchase of Land for the  
Toronto Police Service Firearms/Defensive  
Tactics and Applicant Testing Facility  
(Ward 6 - Etobicoke-Lakeshore)**

*(City Council at its Special Meeting held on February 24, 25, 26, 27 and 28, 2003, amended this Clause in accordance with the following Motion:*

***Moved by:***                    ***Councillor Jones***

***Seconded by:***            ***Councillor Lindsay Luby***

***“WHEREAS*** City Council at its meeting held on February 4, 5 and 6, 2003, deferred to the next regular meeting of Council to be held on April 14, 15 and 16, 2003, Clause No. 13 of Report No. 1 of The Administration Committee, headed ‘70 Birmingham Street – Purchase of Land for the Toronto Police Service Firearms/Defensive Tactics and Applicant Testing Facility’, as well as the related supplementary in-camera report dated January 27, 2003, from the Commissioner of Corporate Services, which reports recommend acceptance of an Offer to Sell from Continental Can Canada Inc.; and

***WHEREAS*** the Vendor has now agreed to extend the irrevocable date of its Offer to Sell to March 7, 2003, but has indicated that it will not extend the irrevocable period in its Offer to a date subsequent to the April 14, 15 and 16, 2003 meeting of Council; and

***WHEREAS*** the Commissioner of Corporate Services accordingly recommends that this matter be dealt with at this meeting of Council;

***NOW THEREFORE BE IT RESOLVED THAT*** the irrevocable date stipulated in Clause No. 13 (now Clause No. 13a) of Report No. 1 of The Administration Committee be amended to March 7, 2003, and the closing date for the acquisition be amended to be the latter of May 30, 2003, and the business day next following 20 business days after delivery of the notice of waiver in connection with the due diligence condition;

***AND BE IT FURTHER RESOLVED THAT*** City Council consider Clause No. 13 (now Clause No. 13a) of Report No. 1 of the Administration Committee, together with the supplementary in-camera report dated January 27, 2003, from the Commissioner of Corporate Services, and that such reports be adopted.”

*By its adoption of the Motion, without amendment, Council:*

- (a) *adopted, as amended, the confidential report dated December 9, 2002, from the Commissioner of Corporate Services, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the acquisition of property for municipal purposes, save and except the following recommendations embodied therein, such recommendations, amended in accordance with the above Motion and the confidential report dated January 27, 2003, from the Commissioner of Corporate Services, to now read as follows:*

*“It is recommended that:*

- (1) *the Offer to Sell from Continental Can Canada Inc. to sell the property at 70 Birmingham Street for \$4,679,700.00 be accepted on the terms outlined in the body of this report, subject to:*
  - (a) *the irrevocable date being amended to March 7, 2003, and the closing date for the acquisition being amended to be the latter of May 30, 2003, and the business day next following 20 business days after delivery of the notice of waiver in connection with the due diligence condition; and*
  - (b) *deleting the confidentiality clause in the Offer to Sell;*

*and that the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer to Sell on behalf of the City;*
- (2) *the Toronto Police Service be required to pay any required maintenance costs related to this vacant property after the transaction closes and until the property is redeveloped;*
- (3) *the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date as she considers reasonable; and*
- (4) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and*

- (b) *adopted, without amendment, the confidential report dated January 27, 2003, from the Commissioner of Corporate Services, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the acquisition of property for municipal purposes, save and except the following recommendations embodied therein:*

*It is recommended that:*

- (1) *this report be considered in conjunction with Clause No. 13 of Administration Committee Report No. 1;*
- (2) *Clause No. 13, Administration Committee Report No. 1 be amended to delete the confidentiality clause in the Offer to Sell and that Clause No. 13, as amended, be approved; and*
- (3) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”)*

(City Council, at its regular meeting held on February 4, 5 and 6, 2003, and its Special Meetings held on February 7, 2003 and February 10 and 11, 2003, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on April 14, 2003.)

**The Administration Committee recommends the adoption of the confidential report (December 9, 2002) from the Commissioner of Corporate Services, respecting 70 Birmingham Street, Purchase of Land for the Toronto Police Service Firearms/Defensive Tactics and Applicant Testing Facility, (Ward 6 – Etobicoke Lakeshore, which was forwarded to Members of Council under confidential cover; and further that in accordance with the Municipal Act, discussions pertaining thereto be held in-camera having regard that the subject matter relates to the acquisition of property for municipal purposes.**

The Administration Committee reports, for the information of Council, having requested the Commissioner of Corporate Services to submit a report to the Administration Committee on the disposal of the C.O.BICK Police College.

*(City Council, at its regular meeting on February 4, 5 and 6, 2003, and its Special Meetings on February 7, 2003, and February 10 and 11, 2003, had before it, during consideration of the foregoing Clause, the following confidential reports, such reports to remain confidential in their entirety, in accordance with the provisions of the Municipal Act, having regard that they contain information related to the acquisition of property for municipal purposes:*

- (i) *(December 9, 2002) from the Commissioner of Corporate Services; and*
- (ii) *(January 27, 2003) from the Commissioner of Corporate Services.)*

*(Having regard that Council deferred consideration of this Clause to the next regular meeting of City Council to be held on April 14, 2003, the aforementioned confidential reports will be resubmitted to Council.)*

*(City Council, at its Special Meeting on February 24, 25, 26, 27 and 28, 2003, had before it, during consideration of the foregoing Clause, a confidential report (December 9, 2002) from the Commissioner of Corporate Services, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the acquisition of property for municipal purposes, save and except the following recommendations embodied therein:*

*Recommendations:*

*It is recommended that:*

- (1) the Offer to Sell from Continental Can Canada Inc. to sell the property at 70 Birmingham Street for \$4,679,700.00 be accepted on the terms outlined in the body of this report and that the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer to Sell on behalf of the City;*
- (2) Toronto Police Service be required to pay any required maintenance costs related to this vacant property after the transaction closes and until the property is redeveloped;*
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date as she considers reasonable; and*
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.)*

*(City Council also had before it, during consideration of the foregoing Clause, a confidential report (January 27, 2003) from the Commissioner of Corporate Services, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the acquisition of property for municipal purposes, save and except the following recommendations embodied therein:*

*Recommendations:*

*It is recommended that:*

- (1) this report be considered in conjunction with Clause 13 of Administration Committee Report No. 1;*
- (2) Clause 13, Administration Committee Report No. 1 be amended to delete the confidentiality clause in the Offer to Sell and that Clause 13 as amended be approved; and*
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.)*

